

EXHIBIT K

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4 MISSOURI STATE CONFERENCE)
5 OF THE NAACP, et al,) Cause No.
6) 14-2077
7 Plaintiffs,)
8 vs.)
9 FERGUSON-FLORISSANT SCHOOL)
10 DISTRICT, et al,)
11)
12 Defendants.)
13
14 DEPOSITION OF COLIN GORDON, PhD
15
16 Taken on behalf of Defendants
17 August 19, 2015
18
19 Sandra Wunderlin Witt
20 CCR NUMBER: 229
21
22
23
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1 INDEX OF EXAMINATIONS
2 Page
3 Direct Examination by Ms. Ormsby 5
4 Cross Examination by Ms. Ebenstein 74
5 INDEX OF DEFENDANT DEPOSITION EXHIBITS
6 Exhibit Page
7 Number First Referred Description
8 E 23 Doctor Rodden's rebuttal
9 M 11 Segregation and Uneven
10 Development in the Greater St.
11 Louis, St. Louis County, and
12 Ferguson-Florissant School
13 District
14 N 11 Response to Report of Jonathon
15 Rodden
16 O 11 Mapping Decline: St. Louis
17 and the Fate of the American
18 City by Colin Gordon
19 P 43 State-Level Estimates of Felon
20 Disenfranchisement in the
21 U.S., 2010
22
23
24 The original exhibits were retained by
25 Ms. Ormsby.

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8 vs.)
9 FERGUSON-FLORISSANT SCHOOL)
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11)
12 Defendants.)
13
14 DEPOSITION OF COLIN GORDON, PhD, taken to
15 be used in an action pending in the United States
16 District Court, Eastern District of Missouri,
17 Eastern Division, wherein Missouri State Conference
18 of the NAACP, et al, are Plaintiffs and Ferguson-
19 Florissant School District, et al, are Defendants,
20 pursuant to agreement between counsel, under the
21 provisions of Rule 26(a) of the Rules of Civil
22 Procedure, taken on the 19th day of August, 2015,
23 at the offices of Crotzer & Ormsby, 130 South
24 Bemiston Avenue, in the County of St. Louis, State
25 of Missouri, before Sandra Wunderlin Witt,
Certified Court Reporter, a notary public within
and for the State of Missouri; taken on behalf of
the Defendants.

1 A P P E A R A N C E S:
2 For Plaintiffs:
3 ACLU
4 125 Broad Street
5 18th Floor
6 New York, New York 10004
7 By: Ms. Julie Ebenstein
8
9 For Defendants:
10 Crotzer & Ormsby
11 Attorneys at Law
12 130 South Bemiston Avenue
13 Suite 602
14 Clayton, Missouri 63105
15 By: Ms. Cindy Reeds Ormsby
16 Ms. Angela Bullock Gabel
17
18 Also Present:
19 ACLU
20 125 Broad Street
21 18th Floor
22 New York, New York 10004
23 By: Ms. Sophia Lin Lakin,
24 SLS postgraduate public interest fellow
25
26 * * * * *
27
28 S t i p u l a t i o n :
29 IT IS HEREBY STIPULATED AND AGREED, by
30 and between counsel for the parties that this
31 deposition may be taken in shorthand by Sandra
32 Wunderlin Witt, CCR, and afterwards transcribed
33 into typewriting.
34
35 * * * * *

Page 5

1 COLIN GORDON, PhD,
2 of lawful age, being produced, sworn, and examined
3 on the part of the Defendants, depose and saith:
4 DIRECT EXAMINATION
5 QUESTIONS BY MS. ORMSBY:
6 **Q. Would you state your name please for the**
7 **record?**
8 A. Colin Gordon.
9 **Q. And Mr. Gordon, what have you done to**
10 **prepare for this deposition?**
11 A. To prepare for the deposition, the
12 report -- including the report or --
13 **Q. Just to prepare for today.**
14 A. Oh, just I met with counsel for a couple
15 of hours yesterday, for an hour in New York last
16 month.
17 **Q. Have you had your deposition taken**
18 **before?**
19 A. No.
20 **Q. So I'll just go through a little -- a**
21 **few little ground rules.**
22 A. Okay.
23 **Q. If you could let me finish my question**
24 **before you answer and I will try to let you finish**
25 **your answer before I ask the next question. Is**

Page 6

1 that fair?
2 A. Sure.
3 **Q. And if you could answer all of your**
4 **questions verbally out loud rather than nod your**
5 **hand and shake your head. Both those ground rules**
6 **are simply to allow the court reporter to get -- to**
7 **-- she can't type what we're saying both at the**
8 **same time and she can't type a nod or a shake.**
9 A. Okay.
10 **Q. Sometimes you might forget. And I do**
11 **too. But I might remind you to just say it out**
12 **loud. Is that okay?**
13 A. Sure.
14 **Q. And if you have -- if you don't**
15 **understand a question, which is very likely, please**
16 **ask me to rephrase it and I will. And if you --**
17 **but if you answer a question, I'm going to assume**
18 **that you understood the question. Is that fair?**
19 A. Sure.
20 **Q. And if you ever need a break, just ask**
21 **for one. You just need to answer the question**
22 **that's on the table before we take a break.**
23 A. Okay.
24 **Q. Have you spoken with any other experts**
25 **that have been retained in this case?**

Page 7

1 A. No.
2 **Q. And did you reread your reports before**
3 **you came in today?**
4 A. Yes.
5 **Q. Have you read any reports from other**
6 **experts filed in this case other than Doctor**
7 **Rodden?**
8 A. No.
9 **Q. And you said you only spoke to the**
10 **attorneys in order to prepare, is that right?**
11 A. That's right.
12 **Q. Can you talk to me a little bit about**
13 **your educational background? Can you start with**
14 **where you graduated from high school?**
15 A. I graduated from high school in Port
16 Hope, Ontario. I did my undergraduate work at the
17 University of Alberta where I got --
18 **Q. And when did you graduate from high**
19 **school first?**
20 A. '81. I graduated from the University of
21 Alberta in '85 with an honors degree in history.
22 I did a Master's degree at York University,
23 graduating in 1986. York University in Toronto.
24 And I did a Ph.D. at the University of Wisconsin in
25 Madison, graduating in 1990.

Page 8

1 **Q. And any education since then, since you**
2 **got your Ph.D.?**
3 A. No.
4 **Q. And where did you work -- did you work**
5 **between undergrad and going to grad school at all?**
6 A. No. I was -- I mean aside from summer
7 jobs, it was -- I stayed in school.
8 **Q. And did your summer jobs have anything**
9 **to do with your profession in history?**
10 A. No.
11 **Q. So your first professional job was after**
12 **you got your Ph.D.?**
13 A. Yes.
14 **Q. And where was that?**
15 A. I taught at the University of British
16 Columbia from 1990 to 1994.
17 **Q. Okay.**
18 A. And since then moved to the University
19 of Iowa where I've taught ever since.
20 **Q. And are you still employed by the**
21 **University of Iowa?**
22 A. I am.
23 **Q. And in what capacity are you employed?**
24 A. I'm a professor of history and public
25 policy.

1 **Q. Have you been involved in any other**
2 **voting rights act cases prior to this one?**
3 A. No.
4 **Q. And have you ever provided expert**
5 **testimony in any sort of case before?**
6 A. Yes.
7 **Q. In what kind of case was that?**
8 A. I did a neighborhood analysis of North
9 St. Louis for a mitigation defense in a capital
10 case.
11 **Q. In a capital case?**
12 A. Uh-huh.
13 **Q. Other than that?**
14 A. That's it. I've been signatory to
15 briefs in other cases. I forgot about this one.
16 And I did write a brief in a fusion voting rights
17 case in the 1990s.
18 **Q. Have you ever been employed by the ACLU**
19 **or NAACP legal defense fund prior to this case?**
20 A. No.
21 **Q. Who employed you for the capital case?**
22 A. It was a -- I can't remember the name of
23 the office. It was a Philadelphia defenders unit.
24 Philadelphia based. It was a St. Louis case.
25 **Q. Okay. Who initially contacted you**

1 **regarding this case?**
2 A. Julia Ebenstein I believe, yeah.
3 **Q. And do you remember when that was?**
4 A. No. I would have to look at my notes.
5 Maybe about a year ago.
6 **Q. Okay. And when were you retained then**
7 **to work on this case?**
8 A. Shortly after that, you know, we
9 probably went back and forth for two or three weeks
10 about what would be expected and that sort of thing
11 before I formally started work.
12 **Q. And what's your hourly rate?**
13 A. \$150.
14 **Q. And who do you submit your invoices to?**
15 A. ACLU.
16 **Q. And have you submitted invoices to this**
17 **point?**
18 A. Yes, I have.
19 **Q. And have those invoices been paid?**
20 A. Yes.
21 **Q. Do you know approximately how many hours**
22 **you've billed to date?**
23 A. I'm not sure. I would say maybe 60 or
24 70.
25 **Q. And has anyone assisted you in any**

1 **manner?**
2 A. No.
3 **Q. So what do you understand your role to**
4 **be in this case?**
5 A. I was applying my expertise on St. Louis
6 based largely on my 2008 book and my ongoing
7 research to illuminate senate factor 5, the
8 patterns of discrimination.
9 **Q. So at this point, I would like to enter**
10 **into evidence your two reports. And I think we're**
11 **on M.**
12 **(Defendant's Exhibits M, N, and O are**
13 **marked.)**
14 **Q. (By Ms. Ormsby) So are those copies of**
15 **the reports that you wrote?**
16 A. Yes.
17 **Q. And this is a copy of your book?**
18 A. Yes.
19 **Q. And you authored this book Mapping**
20 **Decline: St. Louis and the Fate of the American**
21 **City, correct?**
22 A. Yes.
23 **Q. How many times do you cite to yourself**
24 **in your expert report? Do you have any idea?**
25 A. I didn't count.

1 **Q. Did you know that you quote yourself 38**
2 **times in your 33-page initial report?**
3 A. It sounds about right.
4 **Q. And most of those quotes weren't changed**
5 **a single word from what was in your book to what**
6 **was in your report?**
7 A. Sounds about right.
8 **Q. And you wrote your book when?**
9 A. 2008.
10 **Q. How can we check the accuracy of your**
11 **statements?**
12 A. I'm not sure I understand the question.
13 **Q. Well --**
14 A. The accuracy of the statements in the
15 book or in the report or both?
16 **Q. Both.**
17 A. Well, the book follows standard
18 scholarly guidelines. It's peer reviewed. All the
19 sources are cited both archival quantitative
20 sources and secondary sources. Standard sort of
21 scholarly format.
22 **Q. If you look at Page 7 of your report --**
23 **no, your report, sorry.**
24 A. Oh.
25 **Q. And we agree that those first two**

1 paragraphs were taken verbatim from your book?

2 A. I would have to check the book. But
3 yeah, I think they're largely the same.

4 Q. And could you look at map No. 2 on Page
5 8 of your book -- of your report, sorry. What is
6 this?

7 A. What is it a map of?

8 Q. Uh-huh.

9 A. It's a map of the scope of race
10 restricted D covenants in the City of St. Louis
11 served in 1945.

12 Q. Can you locate the Ferguson-Florissant
13 School District on that map?

14 A. It's not included in this map.

15 Q. So is your reason for including this map
16 in your report to show that 70 years ago there were
17 restrictive covenants in housing in some locations
18 in St. Louis City?

19 A. In part. It's more largely in service
20 of the sort of larger logic of my argument which
21 shows that segregation that originated in the City
22 of St. Louis extended over time out into North
23 County.

24 Q. But we don't know whether those
25 restrictive covenants existed in the Ferguson-

1 geography that's useful in the ASS (sic). And a
2 majority black one is one in which the -- over half
3 of the population is African American.

4 Q. And might the data be different
5 regarding the African American population that
6 lives in a more integrated area of the district?

7 A. Certainly. I mean you could draw a
8 circle around any portion of the district and get
9 different numbers.

10 Q. Do you know what percent of the
11 district's black population lives in overwhelmingly
12 black blocks and what percentage lives in
13 integrated blocks?

14 A. Well, the measure I've used here in
15 majority black blocks is over two thirds live in
16 majority black census blocks.

17 Q. Within the school district?

18 A. Within the school district.

19 Q. And you would dispute an expert that
20 says otherwise?

21 A. Well, I mean the -- if his is a simple
22 calculation from the ACS. I mean if somebody says
23 that, you know, that -- this number is not
24 incorrect. There are different ways of measuring
25 it. But yes, I would dispute someone who said that

1 Florissant School District based on that map?

2 A. Not based on this map, no.

3 Q. If you turn to Page 3, Table 1, of your
4 report.

5 A. Okay.

6 Q. Where did you get the data to form this
7 table?

8 A. This is from an American community
9 survey.

10 Q. And according to that table, what is the
11 African American share of the district population?

12 A. It's not listed on this table. This is
13 a measure of metrics by block group. And so this
14 is the -- where it says FFSD, that's the
15 percentage of the African American population that
16 lives in majority black census blocks in Ferguson-
17 Florissant.

18 Q. So you didn't download data that's
19 specific to the school district?

20 A. This is specific to the school
21 district. FFSD is Ferguson-Florissant School
22 District.

23 Q. And how are you defining majority black
24 block groups?

25 A. Census block is the smallest unit of

1 this was incorrect.

2 Q. So just to be clear, the majority of the
3 black population in the Ferguson-Florissant
4 district lives in overwhelming black blocks?

5 A. No, that's not what this says. What
6 this says is that two thirds of African Americans
7 in the district live in census blocks which are
8 majority African American.

9 This chart is not meant to show the
10 distribution of the population across the
11 district. It's meant to show the disparity between
12 majority black blocks and the other census blocks
13 in the district and in the metro.

14 Q. Can we get black versus white poverty
15 levels at the block group level?

16 A. No.

17 (Ms. Gabel is leaving at this time.)

18 Q. (By Ms. Ormsby) And does your report
19 address how the black poverty level compares with
20 the white poverty level at the block group level?

21 A. Not at the block group level. The ACS
22 doesn't report at that level the geography. I have
23 that for the district.

24 Q. And when you looked at those block
25 groups, did any of those blocks include areas

1 outside of the school district?

2 A. The map on the following page shows the
3 block groups that fall inside the district. And
4 because the district is not coterminous with census
5 boundaries, parts of those blocks fall outside the
6 school district.

7 Q. Have you ever been to the Ferguson-
8 Florissant School District?

9 A. I have numerous times.

10 Q. What parts of the district have you
11 visited?

12 A. I've been in all parts of Ferguson. I
13 filmed a documentary there. I did research on the
14 ground there. So I've been in Florissant, in
15 Ferguson, in Kinloch.

16 Q. When was the last time that you were
17 there?

18 A. I was there in 2006 and 2007 when I was
19 doing research for my book. I was there in 2014 --
20 yeah, just about a year ago -- doing work on a
21 documentary.

22 Q. What's the name of your documentary?

23 A. I wasn't making the documentary. I was
24 a talking head in it. And it has not yet been
25 released so I don't know the name of it.

1 A. I haven't made that calculation.

2 Q. (By Ms. Ormsby) Would you agree that
3 the district makes up a small percentage of the
4 region that you discuss in your report?

5 A. Sure, geographically the populationwise.

6 Q. Do you know what percent of the
7 Ferguson-Florissant School District population
8 resides in Ferguson?

9 A. No, not off the top of my head.

10 Q. Would it surprise you to know that only
11 27 percent of the district's population lives in
12 Ferguson?

13 A. No. I was thinking it was probably
14 about a third, a little bit less than that.

15 Q. And you said you've been to Florissant?

16 A. I have.

17 Q. Can you tell me where the high schools
18 are located within the school district?

19 A. I don't know the locations of the high
20 schools.

21 Q. Have you watched television reports
22 depicting violence and looting on West Florissant
23 Avenue in Ferguson?

24 A. It would be hard to miss them.

25 Q. Do you know whether or not the section

1 Q. Okay. So your report refers to the St.
2 Louis metropolitan region. What percent of this
3 region contains the Ferguson-Florissant School
4 District?

5 A. You mean what percent of the metro
6 population lives in the Ferguson-Florissant School
7 District?

8 Q. No. I'm talking about in your report
9 when you refer to the St. Louis metropolitan
10 region, what percent of that region contains the
11 Ferguson-Florissant School District?

12 A. I'm sorry. I don't understand the
13 question. What percent of the region?

14 Q. Contains the Ferguson-Florissant School
15 District.

16 A. I'm sorry. I still don't understand.

17 Q. Do we agree that the St. Louis
18 Metropolitan region includes areas outside of the
19 Ferguson-Florissant School District?

20 A. Oh, yes. Yes.

21 Q. What percent of that region contains the
22 Ferguson-Florissant School District?

23 MS. EBENSTEIN: You mean geographic
24 area? Just to clarify.

25 MS. ORMSBY: Yes.

1 of West Florissant where the looting and protesting
2 took place, do you know whether or not that's in
3 the Ferguson-Florissant School District?

4 A. If I saw it on a map, I could tell you.
5 But not off the top of my head.

6 Q. And your study -- you study cities,
7 especially St. Louis. Would you agree that one
8 side of Delmar Boulevard is different than the
9 other?

10 A. Yes.

11 Q. And do you agree that political
12 boundaries matter?

13 A. Yes.

14 Q. Do you agree that microgeography
15 matters?

16 A. I'm not sure what you mean by the term
17 microgeography. Just -- you mean what's happening
18 locally?

19 Q. Uh-huh.

20 A. Yes.

21 Q. Do you believe it's appropriate to use
22 information about North County as a whole in order
23 to provide expert testimony about the Ferguson-
24 Florissant School District?

25 A. Yes. The -- I'm very careful in my

1 report to use the data which is most relevant to
2 the geography that's being discussed. Sometimes
3 that's based on the limitations of the data. If
4 it's not reported as smaller geography. Sometimes
5 it rests on the sort of generalization or
6 conclusion that's being drawn.

7 **Q. What percent of your report includes new**
8 **research? And by that I mean research conducted**
9 **just for this lawsuit that was not published in**
10 **your book.**

11 A. You mean in terms of the word count of
12 the report or in terms --

13 **Q. A percentage of your report.**

14 A. Well, the first -- roughly the first
15 half of the report is a synopsis of the conclusions
16 I reached in my book. Roughly the second half sort
17 of recents that research on Ferguson. It
18 represents new work.

19 **Q. So the ideas that form the basis for at**
20 **least the first half of your book are a few years**
21 **old. Would you agree with that? Since 2008**
22 **anyway?**

23 A. Yeah. I mean they're broad historical
24 conclusions. They go back to the early part of the
25 20th century.

1 **Q. In your popular writing for media**
2 **outlets and for your writing in this case, have you**
3 **written about the overwhelming majority of African**
4 **American residents of North County who are in the**
5 **third, fourth, and fifth quintiles of the Missouri**
6 **income distribution?**

7 A. No.

8 **Q. Have you written about the convergence**
9 **of black median family income and white median**
10 **family income in Florissant?**

11 A. Have I written about that?

12 **Q. Uh-huh.**

13 A. No.

14 **Q. Have you written about the complete**
15 **disappearance of the gap between whites and blacks**
16 **with respect to the completion of high school in**
17 **the Ferguson-Florissant School District?**

18 A. No.

19 **Q. Look at Figure 3 on Page 17 of your**
20 **report. Oh, I'm sorry. That's a different**
21 **report. Exhibit F which is --**

22 A. The response?

23 **Q. Actually I'm not going to do that. Take**
24 **that back.**

25 I actually mean -- can I see those

1 exhibits please? Thank you.

2 I'm going to give you what's been
3 previously marked as Exhibit E which is Doctor
4 Rodden's rebuttal report on senate factors. Have
5 you read this before?

6 A. Yes.

7 **Q. And I'm going to refer you to Page 17.**

8 A. Okay.

9 **Q. Figure 3. Do you have any reason to**
10 **dispute those calculations using census data?**

11 A. Can I take a moment to review them?

12 **Q. Absolutely.**

13 A. Okay. The question again?

14 **Q. Do you have any reasons to dispute that**
15 **data?**

16 A. No.

17 **Q. So would you agree that African**
18 **Americans are substantially better off in the**
19 **Ferguson-Florissant School District than African**
20 **Americans in the rest of St. Louis or the rest of**
21 **the state or on almost every important social**
22 **indicator?**

23 A. No. The difficulty with these relative
24 measures that are presented here is that they
25 represent -- that it is simply a relative measure.

1 They represent the gap between white and black.

2 And so that gap can be affected by
3 African American achievement. It can also be
4 affected by the white rates coming down. So in
5 incomes, for example, the gap in the Ferguson-
6 Florissant School District is narrower as we would
7 fully expect than the region at large because there
8 are few rich people in the Ferguson-Florissant
9 School District.

10 So it's inaccurate I think because
11 Doctor Rodden does at numerous occasions to portray
12 the narrower gap in a smaller geography as
13 necessarily one of African American advancement or
14 achievement.

15 **Q. So you don't think it's appropriate to**
16 **look at the statistics within just the Ferguson-**
17 **Florissant School District? That it needs to be**
18 **taken in context with the entire North County?**

19 A. What I try and do consistently in my
20 report is do it at the school district, do it at
21 the North County, and do it at the metro level.
22 And in urban studies generally, the most relevant
23 benchmark is the metropolitan area.

24 **Q. You know, of course, that the Ferguson-**
25 **Florissant School District was created by federal**

<p style="text-align: right;">Page 25</p> <p>1 courts as an effort to integrate black and white</p> <p>2 schools, correct?</p> <p>3 A. Uh-huh. Yes, sorry.</p> <p>4 Q. And do you believe that's good policy?</p> <p>5 A. Yes.</p> <p>6 Q. Do you consider yourself an expert on</p> <p>7 race and geography in St. Louis?</p> <p>8 A. I do.</p> <p>9 Q. Do you know how many Missouri school</p> <p>10 districts -- or can you name Missouri school</p> <p>11 districts that are more racially integrated than</p> <p>12 Ferguson-Florissant over the last thirty years?</p> <p>13 A. My report does not encompass rates of</p> <p>14 integration or segregation in other Missouri school</p> <p>15 districts.</p> <p>16 Q. How about within the St. Louis</p> <p>17 metropolitan area?</p> <p>18 A. The benchmark in my report again is</p> <p>19 comparing the school district to the metro area at</p> <p>20 large.</p> <p>21 Q. So can you name any school district in</p> <p>22 the metro area at large that is more racially</p> <p>23 integrated than Ferguson-Florissant?</p> <p>24 A. No, because I haven't done those</p> <p>25 calculations.</p>	<p style="text-align: right;">Page 27</p> <p>1 district considered a part of the city?</p> <p>2 A. The district has never been considered a</p> <p>3 part of the city.</p> <p>4 Q. So how is this table relevant to the</p> <p>5 Ferguson-Florissant School District?</p> <p>6 A. The -- in the context of showing</p> <p>7 patterns of segregation across St. Louis, this uses</p> <p>8 the Homeowners Loan Corporation map to show</p> <p>9 patterns of housing discrimination as they moved</p> <p>10 into North County with respect particularly to</p> <p>11 Kinloch and Ferguson. The areas there which are</p> <p>12 also overlaid is low median housing value.</p> <p>13 Q. And on Page 95 of your book --</p> <p>14 A. Okay.</p> <p>15 Q. -- I just want you to verify it's the</p> <p>16 same map except for you've overlaid the school</p> <p>17 district.</p> <p>18 A. Yeah, 95 is also the 1940 map.</p> <p>19 Q. If you turn to Page 19 of your report.</p> <p>20 A. Okay.</p> <p>21 Q. On Page 19, you seem to infer that your</p> <p>22 report is now going to address the district</p> <p>23 specifically, correct? Part 2 --</p> <p>24 A. Yes.</p> <p>25 Q. -- the Ferguson-Florissant School</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. If you would turn to Page 12 of your</p> <p>2 report.</p> <p>3 A. Page 12?</p> <p>4 Q. Page 12 of your report. What is this</p> <p>5 map?</p> <p>6 A. This map is a map of the residential</p> <p>7 security ratings maintained by the Homeowners Loan</p> <p>8 Corporation served in 1940. The residential</p> <p>9 security ratings maintained by the Homeowners Loan</p> <p>10 Corporation, later to become part of the Federal</p> <p>11 Housing Administration. This rated residential</p> <p>12 properties for federal mortgage insurance.</p> <p>13 Q. And you've overlaid the Ferguson-</p> <p>14 Florissant School District on the northern part of</p> <p>15 that map, is that correct?</p> <p>16 A. That's right.</p> <p>17 Q. And what does it mean when most of the</p> <p>18 district is blank?</p> <p>19 A. That it was not rated by the federal</p> <p>20 agency at the time.</p> <p>21 Q. So how much of the district is rated</p> <p>22 would you say?</p> <p>23 A. Just, you know, visually a quarter, a</p> <p>24 fifth maybe.</p> <p>25 Q. And at the time of this table, was the</p>	<p style="text-align: right;">Page 28</p> <p>1 District?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Can you point to a section or even a</p> <p>4 sentence that is specific to your analysis of the</p> <p>5 district?</p> <p>6 A. I'm sorry. In any part that follows?</p> <p>7 Q. Uh-huh.</p> <p>8 A. Give me a moment.</p> <p>9 Q. Sure.</p> <p>10 A. I talk about the establishment of the</p> <p>11 district, the fragmentation and then</p> <p>12 re-establishment of the district on Page 22.</p> <p>13 Q. Which is simply historical facts,</p> <p>14 correct?</p> <p>15 A. Yeah. I look at the scope of the</p> <p>16 district in Map 7 and the surrounding paragraph.</p> <p>17 And then again, I look at -- there's a whole series</p> <p>18 of maps that are at the end in which I spatially</p> <p>19 use the school district to show the way in which</p> <p>20 patterns of poverty, unemployment, other metrics</p> <p>21 take shape around the district and move through the</p> <p>22 district.</p> <p>23 Q. So you simply overlay the school</p> <p>24 district on your maps that are mostly included in</p> <p>25 your book, is that correct?</p>

<p style="text-align: right;">Page 29</p> <p>1 A. No. Most of the -- most of the analysis 2 that occurs from Page 19 forward is not from the 3 book. It's new.</p> <p>4 Q. So do you agree that the bulk of your 5 report does not directly relate or does any 6 analysis specifically of the Ferguson-Florissant 7 School District?</p> <p>8 A. No, I wouldn't agree with that 9 characterization. The -- as I stated earlier, when 10 studying an urban area, one has to use the 11 geographies in which data is reported most reliably 12 and particularly over time. And that unfortunately 13 does not include school districts.</p> <p>14 The ACS has recently begun to include 15 school districts as a unit of census geography. So 16 we have some data for Ferguson-Florissant and other 17 school districts for the past I think six to eight 18 years. But it's -- the data is limited.</p> <p>19 And because my analysis is largely 20 historical, I rely on more conventional units of 21 geography; census blocks, census tracts, 22 municipalities in counties. But consistently 23 highlight the place and the scope of the school 24 district within that larger story.</p> <p>25 Q. Could you turn to Page 20, Figure 1, and</p>	<p style="text-align: right;">Page 31</p> <p>1 wealth cap.</p> <p>2 Q. If you would turn to Page 24 of your 3 report. Could you read the first sentence of the 4 second full paragraph, the net result?</p> <p>5 A. The third -- oh, second full paragraph. 6 Sorry. "The net result left" -- you me want to 7 just read it aloud?</p> <p>8 Q. Uh-huh.</p> <p>9 A. "The net result left Ferguson-Florissant 10 in an unusually vulnerable position. Here much of 11 the mid-century residential development" --</p> <p>12 Q. Just the first sentence.</p> <p>13 A. Oh, just the first sentence.</p> <p>14 Q. Go ahead and read it again so the record 15 is clear.</p> <p>16 A. Sorry. I thought you wanted the whole 17 paragraph. "The net result left Ferguson- 18 Florissant in an usually vulnerable position."</p> <p>19 Q. So can you look -- the net result -- I'm 20 assuming that's a conclusionary sentence, correct, 21 based on what's prior to that sentence?</p> <p>22 A. Yes.</p> <p>23 Q. Can you turn to the proceeding pages and 24 show me where you cite any statistics or data that 25 relies exclusively on district information?</p>
<p style="text-align: right;">Page 30</p> <p>1 tell me what that depicts?</p> <p>2 A. It depicts the racial wealth cap.</p> <p>3 Q. And does it represent national 4 statistics?</p> <p>5 A. The only statistics we have on racial 6 wealth are national. This is based on the survey 7 consumer finances, which is a survey of only 8 6,000. And so the inferences are not -- the sample 9 size is not sufficient to do local.</p> <p>10 Q. So just to clarify though, they are not 11 -- the statistics aren't based on the district 12 population?</p> <p>13 A. No.</p> <p>14 Q. So is your point including -- and 15 including this table to show that nationally white 16 families are wealthier than black families?</p> <p>17 A. No. That's the subsidiary point or the 18 background point. The point is to show that where 19 patterns of housing discrimination are stark as in 20 the St. Louis area, one of the core results is a 21 racial gap in wealth.</p> <p>22 And so the point is to show that 23 previous patterns of segregation and 24 discrimination, even if the legal architecture for 25 them has collapsed, live on in the form of a racial</p>	<p style="text-align: right;">Page 32</p> <p>1 A. No. As I already explained, the logic 2 of this report is to run the quantitative analysis 3 through the census units in which that data is 4 available and then to overlay the district on that 5 in order to in a sense throw a magnifying glass on 6 that particular area.</p> <p>7 Q. But you do agree, like you stated 8 before, that microgeography is important?</p> <p>9 A. I do.</p> <p>10 Q. So your conclusion about the district on 11 Page 24 is based on national and North County 12 information?</p> <p>13 A. Yeah, national, North County, and 14 municipal because the patterns of developing that I 15 described are particular to Ferguson-Florissant.</p> <p>16 Q. All right. Let's turn to Page 28. In 17 the middle of the second full paragraph there's a 18 sentence that says, "African Americans in Ferguson- 19 Florissant have settled overwhelmingly in the 20 apartment complexes (Suburban Heights, North Winds, 21 Canfield) along Maline Creek and South Ferguson and 22 Kinloch and in pockets of single- family housing 23 east of West Florissant Avenue and south of I-270." 24 Did I read that correctly?</p> <p>25 A. Sure.</p>

1 Q. Do you know whether any of the apartment
2 complexes that you named there are actually in the
3 Ferguson-Florissant School District?

4 A. The ones I name as examples, no, I don't
5 know off the top of my head.

6 Q. So even though -- when you're talking
7 about Ferguson-Florissant, are you talking about
8 the cities or are you talking about the school
9 district?

10 A. Ferguson Heights and Florissant always
11 refers to the district.

12 Q. So you're inferring -- or you're stating
13 that African Americans have overwhelmingly settled
14 in apartment complexes. You named three apartment
15 complexes but you're not aware whether or not those
16 apartment complexes are in the Ferguson-Florissant
17 boundaries?

18 A. Those are examples of the apartment
19 complexes that one finds in the southern tier of
20 the City of Ferguson and in Kinloch. The larger
21 pattern -- demographic pattern is clear from my
22 report and from Professor Rodden's report which
23 shows the densest population of African Americans
24 in the southern tier of the district largely in
25 rental housing.

1 Q. But you would admit that that's a little
2 misleading if those apartment complexes aren't in
3 the school district when they're mentioned in the
4 same sentence of which you're referring to the
5 school district?

6 A. I say African Americans have settled
7 overwhelmingly in apartment complexes along Maline
8 Creek and South Ferguson and Kinloch.

9 Q. You say Africans (sic) in Ferguson-
10 Florissant have settled, correct?

11 A. Yes.

12 Q. And just for your information, only one
13 of those three apartment complexes are within the
14 school district. What percentage do you believe of
15 the Ferguson-Florissant School District population
16 resides in apartment complexes?

17 A. What do I believe?

18 Q. Uh-huh.

19 A. I know that the rental rate for African
20 Americans in the school district is about 50
21 percent.

22 Q. Well, again, I'm asking apartment
23 complexes. As your statement says, they have
24 settled in apartment complexes. And I'm asking
25 what percentage of the Ferguson-Florissant

1 population resides in apartment complexes?

2 A. I don't have the exact answer to that
3 question. My conclusions on this are based on
4 patterns of residential development in the southern
5 tier of the district and on overall -- over -- on a
6 districtwide rental rates.

7 Q. Do you know how many apartment complexes
8 there are within the Ferguson-Florissant School
9 District?

10 A. I have not counted.

11 Q. What percentage of the Ferguson-
12 Florissant population are renters?

13 A. Of the district?

14 Q. Uh-huh.

15 A. I know it's about just under 20 percent
16 of the white population and about half of the
17 African American population.

18 Q. And how much of the black? I'm sorry.

19 A. About half.

20 Q. If you could look on Table 4 on Page 4
21 of your rebuttal report.

22 A. Okay.

23 Q. And in that table you report that black
24 home ownership is 50.7 percent, is that right?

25 A. Uh-huh.

1 Q. Yet your conclusion in this paragraph
2 that we just read is that African Americans
3 overwhelmingly settled in apartment complexes,
4 right?

5 A. Sorry. Could you repeat the question?

6 Q. Despite the fact that you state that
7 50.7 percent of African Americans own homes within
8 the school district, it's your contention in your
9 report that African Americans overwhelming settled
10 in apartment complexes, correct?

11 A. I'm just rereading this. The
12 overwhelmingly -- can you refer me back to that
13 page?

14 Q. Uh-huh. Page 28 of your initial
15 report.

16 A. No, it's not what I say. I say
17 overwhelmingly in apartment complexes and in
18 pockets of single-family housing. It's all in the
19 same sentence.

20 Q. So you agree that some renters actually
21 are renting houses?

22 A. Sure.

23 Q. And do you know how many African
24 American renters in Ferguson-Florissant School
25 District are renting houses versus apartments?

1 A. The data is not reported in that way.
 2 **Q. Can you tell me where Florissant's poor**
 3 **African American apartment complexes are located?**
 4 A. I didn't look at Florissant on its own.
 5 **Q. So you only looked at Ferguson on its**
 6 **own?**
 7 A. As the district total.
 8 **Q. But you cite specifically to the**
 9 **Ferguson area on Page 28. But that's not including**
 10 **-- you didn't look at Florissant?**
 11 A. I'm characterizing the pattern of
 12 development in the school district.
 13 **Q. Correct.**
 14 A. And I'm characterizing it as in a
 15 north/south distribution in which the larger
 16 footprint rental housing is concentrated in the
 17 south part of the district. That's my conclusion.
 18 And so I don't locate every apartment
 19 building in the district. I just characterize a
 20 general north/south pattern of residential
 21 development.
 22 **Q. So you seem to be saying that all of the**
 23 **poor African Americans have concentrated themselves**
 24 **in Ferguson and Kinloch?**
 25 A. No, I'm merely describing a pattern of

1 residential development which is characteristic of
 2 the district. I'm not imputing the motives of
 3 those who settle there.
 4 **Q. I'm going to read your sentence again.**
 5 **"African Americans in Ferguson-Florissant" -- and**
 6 **you said you mean the district -- "have settled**
 7 **overwhelmingly in apartment complexes" -- and you**
 8 **name three apartment complexes -- "along Maline**
 9 **Creek and South Ferguson and Kinloch and in pockets**
 10 **of single-family housing east of West Florissant**
 11 **and south of 270."**
 12 **So you're saying overwhelmingly African**
 13 **Americans have settled either in Ferguson or in**
 14 **Kinloch or east of West Florissant and south of**
 15 **270.**
 16 **Do you have any idea how much of the**
 17 **school district is located east of West Florissant?**
 18 A. Sorry. Could you --
 19 **Q. How much of the school district is**
 20 **located east of West Florissant?**
 21 A. I don't know.
 22 **Q. Let's move to Page 29.**
 23 A. Okay.
 24 **Q. And in this map you overlay the district**
 25 **in red, correct?**

1 A. Yes, the red outline.
 2 **Q. Can you show me on that map where Old**
 3 **Town Florissant is?**
 4 A. It's not indicated on this map.
 5 **Q. But can you tell me approximately where**
 6 **it is on this map?**
 7 A. Just, you know -- if I could refer to
 8 the earlier map that shows the municipal boundaries
 9 within the school district. But, you know, in this
 10 northern quadrant.
 11 **Q. So when I look at this overlaid map, I**
 12 **see a predominantly black neighborhood in the**
 13 **southern side of the district and a predominantly**
 14 **white neighborhood in the north side of the**
 15 **district. And the rest of the district seems to be**
 16 **disbursed pretty evenly black and white. Do you**
 17 **agree with that?**
 18 A. Are you talking just spatially or in
 19 terms of the total number of people or --
 20 **Q. I'm talking about on visual inspection.**
 21 A. Sure. On a visual, I would say you have
 22 on the south side, the western portion of the
 23 district is lightly populated. The east side --
 24 **Q. Do you know why that's lightly populated**
 25 **on the western side of the school district?**

1 A. The airport. Not a lot of people live
 2 there.
 3 **Q. No, you're right. Although there are**
 4 **some dots there kind of confusingly. Go ahead.**
 5 **I'm sorry.**
 6 A. On this kind of a map, the dots are
 7 arranged randomly within the geographic units. And
 8 so if the airport overlaps with an urban
 9 population, it might put the dot there.
 10 **Q. Okay.**
 11 A. No, I would say your characterization is
 12 fair. So we have this sparsely populated sort of
 13 airport southwest portion. The southeast portion
 14 which is sort of more densely populated, more
 15 Section 8, more multi-family housing. Which you
 16 can see from other series of maps is also a largely
 17 poorer area of the district.
 18 And then a pocket of mixed racial
 19 housing in the sort of center east of the sort of
 20 Florissant area of the district. And then as you
 21 characterized it, much more predominantly white in
 22 the northwestern neighborhoods.
 23 **Q. And have you spent much time in those**
 24 **more integrated neighborhoods?**
 25 A. I've driven through all of the

1 neighborhoods in this area.

2 **Q. And in conducting your research for**
3 **whatever purpose, not just this report, have you**
4 **conducted interviews with people living in those**
5 **neighborhoods?**

6 A. No, I have not.

7 **Q. Do you know anything about the crime**
8 **levels in the more integrated neighborhoods?**

9 A. No, I do not.

10 **Q. If you turn to 31. And like we've**
11 **already discussed, the vast majority of the red on**
12 **this map is the airport, correct?**

13 A. In the western portion of the red, yes.

14 **Q. I'm looking at the insert which kind of**
15 **blows it up.**

16 A. Right.

17 **Q. And because of the large area that the**
18 **airport takes up, it kind of skews the visual**
19 **representation. Would you agree with that?**

20 A. Yeah. It's always a problem when you
21 have lightly populated census blocks and census
22 tracts. Census blocks do a better job than tracts
23 in representing uniform units of population.
24 That's why the tract that includes the airport is
25 much larger than the others.

1 **(Defendant's Exhibit P is marked.)**

2 A. Yes.

3 **Q. (By Ms. Ormsby) So you've got your 6.88**
4 **from this table, would that be right, regarding the**
5 **disenfranchisement of African American felons?**

6 A. Yes.

7 **Q. And on the page prior, the 2.32 comes**
8 **from the estimate of disenfranchised felons. Would**
9 **that be right? The table prior on Page 16.**

10 A. Yeah, I'm just -- yes, for the entire
11 population.

12 **Q. Okay. I just wanted to verify that.**
13 **And you realize looking at Page 17, that that 6.88**
14 **includes African Americans who are in prison?**

15 A. Yes.

16 **Q. And do you know how many prisons are**
17 **located in the Ferguson-Florissant School District**
18 **boundaries?**

19 A. None that I know of.

20 **Q. And it's true, isn't it, that prisoners**
21 **are counted for census purposes in the area in**
22 **which the prison is located?**

23 A. Yes, I think that's true.

24 **Q. So the numbers that you cite for**
25 **desperate impact of felony disenfranchisement would**

1 **Q. Okay. If you could turn to your**
2 **rebuttal report again. And turn to Table 3.**

3 A. Okay.

4 **Q. Which is on Page 2.**

5 A. Oh.

6 **Q. Your rebuttal report, it's on Page 2,**
7 **Table 3.**

8 A. Okay.

9 **Q. Got it?**

10 A. Yep.

11 **Q. And just prior to Table 3 you state,**
12 **"The rate of disenfranchisement for the Missouri**
13 **population as a whole is 2.32 percent. For the**
14 **African American population it is 6.88 percent."**
15 **Did I read that correctly?**

16 A. Yes.

17 **Q. And then you went on to use that 6.88**
18 **percent to adjust the ACS numbers and create the**
19 **numbers that we see in Table 3, right?**

20 A. And the 2.32. So I used that for the
21 white and the 6.8 for the black.

22 **Q. And did you use -- to get your 2.32 and**
23 **6.88, did you take it from -- I'll enter this into**
24 **evidence and it will be P. And once you get this,**
25 **if you could turn to Page 17.**

1 **actually be lower if you took out the number of**
2 **felons living in prisons, correct?**

3 A. Yes, that's correct. For both
4 populations.

5 **Q. And are you -- did you -- are you aware**
6 **of any studies that find that the African American**
7 **felony rate to be lower if you consider high school**
8 **graduation rate?**

9 **Are you aware of any studies that have**
10 **found that African American felony rate is lower if**
11 **you consider high school graduation rates?**

12 A. You mean the felony rate is likely to
13 fall if the high school -- as the graduation rate
14 goes up?

15 **Q. Correct.**

16 A. That wouldn't surprise me. I'm not
17 aware of particular studies.

18 **Q. And did you look at the Ferguson-**
19 **Florissant graduation rate for African Americans?**

20 A. I did but not in this context.

21 **Q. And do you know whether the Ferguson-**
22 **Florissant School District has a relatively high or**
23 **low graduation rate for African Americans?**

24 A. Relative to?

25 **Q. To other African American communities in**

1 **St. Louis or beyond.**

2 A. It's on the high end of the scale.

3 **Q. And do you have any specific data on the**
4 **number of parolees or individuals on probation or**
5 **former felons that are actually living within the**
6 **school district boundaries?**

7 A. No. The data is not reported in that
8 way. So, you know, as with the example we used
9 earlier of the racial wealth cap, we're sometimes
10 constrained by the limits of the data of the
11 surveys that underlie it.

12 **Q. Did you offset your number in any way by**
13 **the number of white felons that are living within**
14 **the Ferguson-Florissant School District?**

15 A. You mean did I adjust the white share by
16 felony disenfranchisement.

17 **Q. Yes.**

18 A. Yes. I used the numbers for the
19 population as a whole.

20 **Q. I know that you said you haven't**
21 **provided reports or served as an expert witness in**
22 **any other Section 2 VRA cases. But for purposes of**
23 **determining Jingles 1, do you know of any cases**
24 **where population numbers are adjusted without any**
25 **actual data on the political entity in question?**

1 A. I'm sorry. Could you rephrase the
2 question?

3 **Q. Are you aware of any cases where**
4 **population numbers are adjusted without any actual**
5 **data on the specific political entity in question?**

6 MS. EBENSTEIN: I'm going to object to
7 the extent that it asks for him to interpret case
8 law relative to Jingles 1.

9 MS. ORMSBY: I'm just asking if he knows
10 of any.

11 A. I mean I can answer to the extent that I
12 don't know the case law in question. And so I can
13 only answer it in terms of scholarly conventions.
14 Which the use is to use the data at the most
15 specific and accurate geographic unit available,
16 which is what I've done here.

17 **Q. (By Ms. Ormsby) So you're saying that**
18 **you believe that there may be felons who were**
19 **counted by the census department but who are not**
20 **able to vote?**

21 A. Yes, based upon the statewide data.
22 Based upon the rate of disenfranchisement observed
23 in this report.

24 **Q. And for purposes of understanding the**
25 **relevant over-eighteen population, you believe that**

1 **African Americans could have been over counted as a**
2 **result, correct?**

3 A. Well, not -- I mean I don't believe that
4 they were over counted because they're counted in
5 any respect. This is simply, you know, the third
6 of three points that I try to make to establish or
7 to underscore how soft Professor Rodden's
8 conclusion is regarding the voting age population
9 in the school district.

10 **Q. Are you aware that the census department**
11 **does a careful follow-up survey after each**
12 **decennial census?**

13 A. Yes.

14 **Q. And are you aware that after the 2010**
15 **census, this study discovered a significant problem**
16 **of over counting whites and under counting African**
17 **Americans, especially young African Americans?**

18 A. In what geography?

19 **Q. Nationally.**

20 A. Nationally, yes.

21 **Q. And do you agree that the data that you**
22 **used to adjust BVAP is statewide data?**

23 A. On this particular question, the --
24 yes.

25 **Q. So do you believe it would be**

1 **appropriate to use the national data on over**
2 **counting of whites and under counting of African**
3 **Americans to adjust the numbers used in Doctor**
4 **Rodden's report?**

5 A. Well, there -- I mean yes and no. The
6 -- first of all, it's much more of a leap to go
7 from national data to a local area like this.

8 **Q. And by local just to verify, you're**
9 **talking about state?**

10 A. The school district. It's much more of
11 a leap to go from a national counting issue to as
12 small a unit as Ferguson-Florissant. Because on a
13 national scale, the under counting issue may well
14 be based on, you know, rural counties in the south,
15 in which case it would have no application.

16 So I would have to know exactly the
17 basis for the under count/over count concerns in
18 the 2010 census. There are a number of ways we can
19 approach this. One is to take the hardest numbers
20 we have, which are the full count census.

21 The other is to move forward in time and
22 use the ACS which is a smaller survey. That is in
23 fact the numbers that Doctor Rodden uses in his
24 report.

25 **Q. But just to be clear, you are adjusting**

1 the ACS numbers based on statewide numbers,
2 correct?

3 A. The statewide adjustment for felony
4 disenfranchisement is the most relevant measure
5 because it's state level rules regarding parolees
6 and felons and those on probation that determine
7 the rates -- the difference rates from one state to
8 another because those are state level voting
9 rules.

10 And based on the nature of the data,
11 they're only reported at the state level. So I
12 think they can be used with some confidence in an
13 urban area, particularly since we know based upon
14 the arrest rates in St. Louis County, based upon
15 the Department of Justice report on the City of
16 Ferguson that the rate of sort of predatory
17 punishment in urban St. Louis County is very high.

18 So for that reason, I have every
19 confidence that the state -- by using the statewide
20 estimates in a local urban setting is in fact a
21 very conservative estimate.

22 Q. So just to be clear though, the DOJ
23 report on Ferguson which you cited, we've already
24 established that the portion of Ferguson that's
25 within the Ferguson-Florissant School District is

1 A. Yeah.

2 Q. Okay. So you're addressing the problem
3 about single-race African Americans eighteen and
4 above. First you state that their number is
5 24,313, correct? Black voting age population is
6 24,313.

7 And single-race white voting age
8 population is 23,740. And you're saying that if we
9 just look at those two groups, African Americans
10 would make up a majority, correct?

11 Or a majority -- not meaning over 50
12 percent but a majority over whites voting age
13 population. Do you agree with that?

14 A. Sure. If you just look at that segment
15 of the population.

16 Q. I'm just trying to lead up to this
17 because I'm -- while my son is a mathematician, I'm
18 really not. But you're saying that's misleading so
19 we have to consider the fact that the district also
20 contains Asians, American Indians, and a good
21 number of people who report to be more than one
22 race. And we need to include those people in the
23 denominator.

24 And when we do that, the 24,313 may no
25 longer be a majority, is that right?

1 27 percent, correct?

2 A. I'm just talking about the pattern --
3 the well established pattern which is not just in
4 the DOJ report on Ferguson but was actually in the
5 statewide data on every St. Louis County
6 municipality.

7 The disproportionate arrest rates faced
8 by young African Americans is well established in
9 the record. And I merely mention that fact in
10 order to make the case that applying the statewide
11 felony disenfranchisement rate is in fact a
12 conservative estimate of what would happen in an
13 urban setting in Missouri.

14 Q. Okay. I want you to turn to Page 2 of
15 your rebuttal report.

16 A. Same page?

17 Q. Yes, same page. And looking at Table
18 2.

19 A. Okay.

20 Q. I'm going to try to tell you what I
21 think you've done. And could you please tell me if
22 I'm right? I don't know how else to ask the
23 questions.

24 A. That's fine, yeah.

25 Q. Is that all right with you?

1 A. It is no longer a majority.

2 Q. So we know the breakdowns of each of
3 these categories for the overall district
4 population but we don't know what those breakdowns
5 are by age category, right?

6 A. The only breakdown we don't know for age
7 category because the numbers are so small is for
8 the two smallest units, which is the 2,196 of the
9 report, more than one race, and the 686 that report
10 a race that's neither white nor black.

11 Q. So you said -- so you calculated the
12 share of total population that is over the age of
13 eighteen for single-race blacks and whites. And
14 you assumed that the age breakdown is roughly
15 similar for Asians, American Indians, and people
16 who report more than one race.

17 A. Uh-huh.

18 Q. Then you applied that same breakdown,
19 same over eighteen share to those groups, is that
20 right?

21 A. Yes.

22 Q. So we know that there are 2,882 people
23 in this other category in the district as a whole.
24 And then you infer that there are 2,213 voting age
25 people in this other category, is that right?

1 A. Yes.

2 Q. And that's how you got the number on the

3 top right-hand side of the Table 2?

4 A. Yes.

5 Q. All right. So are you saying that we

6 know the percentage of people who are in this other

7 category in the overall population? That if we

8 know that, we can make a reasonable guess as to the

9 size of that group in the over eighteen

10 population?

11 And once we know a group's relative size

12 in the overall population, we can make an estimate

13 of that groups's relative size in the over eighteen

14 population?

15 A. Yes.

16 Q. So my question is whether you believe

17 that the age structure of single-race whites and

18 blacks is similar to the age structure of Asians

19 and people who report multiple races.

20 A. No, I have no reason to believe that

21 it's similar. And that's why I averaged the white

22 and black and applied it to the other category.

23 And in fact, you know, if you used different rates

24 -- and, you know, I did this in a number of

25 different ways.

1 As I was making this table, if you used,

2 for example, the national rates for Asian and other

3 or the Missouri rates for national, they -- in

4 fact, the number changes very little. You might go

5 to 2,212 or 2,210 or 2,215.

6 Q. So is it a good assumption that the

7 share of a population group and the overall

8 population will be similar to the share of the

9 group in the over eighteen population?

10 A. Well, the over eighteen population is a

11 much larger share of -- is a very large share of

12 the overall population. So, you know, 23,700 or

13 28,000 for whites, 24,000 or 34,000 for black.

14 That's the vast majority of those populations.

15 Q. Okay. So your main conclusion -- just

16 so I know where your main conclusion comes from,

17 you add the voting age single-race whites, the

18 voting age single-race blacks, and the voting age

19 others. And now you get a denominator of 50,266?

20 A. Yeah, the three voting age populations

21 total.

22 Q. And then you divide the single-race

23 African American voting age population of 24,313 by

24 that number, by 50,266. And you get your

25 conclusion that single-race African Americans are

1 48.4 percent of the voting age population?

2 A. Yes.

3 Q. Okay. So I want to try to use that same

4 theory. I'm going to show you Doctor Cooper's

5 report.

6 But I want to assure counsel that I'm

7 not going to look at any of Doctor Cooper's

8 conclusions. I'm looking at a -- he included a

9 bunch of ACS charts as an Exhibit E. And so I just

10 want to look at one of those charts. And it's

11 Exhibit A.

12 So, Counsel, I'm looking at -- do you

13 have Exhibit A?

14 MS. EBENSTEIN: Yes.

15 MS. ORMSBY: Exhibit D, Page 2. It's in

16 the back back. He puts all of those ACS surveys.

17 So it's Exhibit D. And it's Page 2 of Exhibit D.

18 And the numbers for Exhibit D are in the bottom

19 right-hand corner.

20 MS. EBENSTEIN: I see that.

21 MS. ORMSBY: I'm going to give it to

22 him. I just wanted you to see it first. There you

23 go.

24 Are we all there?

25 MS. EBENSTEIN: Give me one moment.

1 MS. ORMSBY: Uh-huh.

2 MS. EBENSTEIN: Okay. As you said

3 earlier, Doctor Gordon has never seen this report.

4 I would like to ask that he at the very least read

5 Page 15 and 16 --

6 MS. ORMSBY: No objection.

7 MS. EBENSTEIN: -- where Mr. Cooper

8 refers to Exhibit D in the text. So that he knows

9 what he's looking at on the chart.

10 MS. ORMSBY: Absolutely. No problem at

11 all. Do you want to go off the record for a minute

12 while he does that?

13 MS. EBENSTEIN: Sure.

14 (A discussion was held after which the

15 following proceedings were had.)

16 THE WITNESS: So D is not just this

17 chart but the following?

18 MS. ORMSBY: D is he downloaded all the

19 charts from the ACS specific to the school district

20 is what he's done.

21 THE WITNESS: Okay.

22 Q. (By Ms. Ormsby) So I want you to look

23 at this chart. Do you agree that these are charts

24 that are downloaded from the ACS 2011-13 American

25 Community Survey, three year estimates?

1 A. That's what it says. That's my only
2 basis for agreeing.
3 Q. Okay. And I'm trusting Mr. Cooper on
4 that as well. So if you look at this chart, the
5 2011-13 ACS, do you see that the census bureau
6 provides lines for Asian, American Indians, and
7 various culmination of races?
8 A. Yes.
9 Q. And you see under population of two
10 races there's a white, black, or African American?
11 Do you see that? Under population of two races.
12 A. Yes.
13 Q. And if you follow that over, the
14 percentage is 1.8 percent of total, right?
15 A. Okay.
16 Q. And then the -- if you go a few lines
17 down, black or African American, American Indian,
18 and Alaskan native. Do you see that line?
19 A. Yes.
20 Q. And that's .6 percent of total.
21 A. Okay.
22 Q. And those would be the two listed there
23 that are African Americans reporting two races,
24 correct? One of the races African American and
25 another is another?

1 A. Okay.
2 Q. Okay. So if we add those 2 percentages
3 together, you get what? 1.8 plus .6.
4 A. Well, you can't add the percentages
5 together because they represent a significant
6 rounding. I mean you'd have to have the total
7 numbers and then divide. I mean it could be 1.89.
8 It could be 1.81. I don't know.
9 Q. Okay. Let's round down, shall we?
10 A. Okay.
11 Q. So 1.8 plus .6 would be 2.4?
12 A. Sure.
13 Q. Do we want to say 2.3 to be safe?
14 A. Okay.
15 Q. Or can we do 2.4? Because that's what I
16 did. And with the caveat that it could be less
17 than that because of rounding. Because I don't
18 know how to do my math without --
19 A. Well, I mean you would have to add up
20 the actual numbers and then calculate a percentage.
21 Q. Okay. Let's use the 2.4 with that
22 caveat. And we can figure out what the actual
23 percentage is later. But I will admit that it
24 could be less; it could be more if we add up all
25 the numbers and figure out the percentage.

1 So you recall that the district's voting
2 age population was 50,266, correct?
3 A. Okay.
4 Q. Okay. And what is 2.4 percent of
5 50,266?
6 A. I don't know without a calculator.
7 Q. I can get you a calculator. But I can
8 tell you it's 1,206. But I'm going to grab you a
9 calculator.
10 A. Sorry. What are you asking me to
11 calculate?
12 Q. What is 2.4 percent of 50,266?
13 A. 50,266 is the voting age population.
14 Q. Right.
15 A. And you're asking me to calculate --
16 Q. 2.4 percent.
17 A. 2.4 percent of it?
18 Q. Right.
19 A. Why?
20 Q. Because that would be the percentage of
21 any part African American -- or two-race African
22 American.
23 A. But the 50.2 is the voting age
24 population. The numbers -- 2.4 percent is the
25 entire population. This chart is the total

1 population. You're giving me a total for the
2 voting age share of the population so I'm not sure
3 it's a relevant calculation.
4 Q. Good point. In your Table 2 -- all
5 right. Well, let's go on and we'll come back to
6 that. And then I'm going to go check my math in
7 the other room and we'll maybe re-address this
8 later.
9 But we'll move on because I'm almost
10 done. And then we can take a break and then come
11 back and maybe try that again.
12 Can we go to Page 3 of your rebuttal
13 report?
14 A. Uh-huh.
15 Q. And on Page 3 you take issue with Doctor
16 Rodden's assertion that the Ferguson-Florissant
17 School District's residential population is
18 relatively racially integrated, is that right?
19 A. I would say it's more correct to say I
20 take issue with his description of the nature of
21 the integration.
22 Q. And you state that there's a trend in
23 Ferguson-Florissant toward resegregation, is that
24 right? And I'm looking at the third paragraph,
25 first sentence.

1 A. Yes.

2 **Q. And you're saying that taking a snapshot**
3 **of the district as Doctor Rodden did doesn't take**
4 **the trend toward resegregation into account, is**
5 **that right?**

6 A. Yes.

7 **Q. And what do you mean when you say that**
8 **the district is becoming more resegregated?**

9 A. The -- what I mean in that paragraph and
10 elsewhere in my report is that when you take a
11 snapshot view of integration, a point in time view
12 of integration and simply look at the numbers; 35,
13 65, say it's 50/50, it's a misleading measure
14 because it doesn't take into account the historical
15 pattern of integration and the degree to which a
16 community might be changing in one direction or
17 another. It implies a stability that's not there.

18 **Q. So do you believe it's important to**
19 **project what the district will do in the future?**

20 A. I understand that that may be important
21 for school districts to do. It doesn't lie in my
22 area of expertise.

23 **Q. Can you please just describe -- tell me**
24 **what you mean by resegregation? What is**
25 **resegregation?**

1 A. I think in the context of that sentence,
2 what I really mean is not so much the trend just in
3 the FFSC (sic) but the trend in the metro area as a
4 whole. That the African American population as I
5 describe in some detail in my report is in a sense
6 shifting its center of gravity from North St. Louis
7 into North County.

8 And again, the logical -- the link to
9 this, to the logic of my larger report, is simply
10 to puncture the notion that a rough balance between
11 black and white populations at a given point in
12 time in a given location does not necessarily
13 constitute integration in the sense of the word
14 that Professor Rodden uses it.

15 **Q. And as you've testified previously, you**
16 **believe looking at the larger area is more**
17 **effective than looking just at the Ferguson-**
18 **Florissant School District. That's why you refer**
19 **off into North County or to the St. Louis**
20 **metropolitan area and not specifically to the**
21 **district, is that right?**

22 A. Well, I don't think that's quite the
23 right characterization. I mean yes, I think it's
24 important to look at the metropolitan area as an
25 organic unit and at the place of the municipalities

1 and school districts within it so you can get a
2 sense of those larger patterns of demographic,
3 social, and economic change.

4 It's also true as I tried to make clear
5 earlier, that taking a step back and looking say at
6 the county or at the metro unit is often governed
7 by what data is available.

8 **Q. Okay. When you say resegregation, are**
9 **you saying no matter what area that you're talking**
10 **about; North County, metropolitan area, Ferguson-**
11 **Florissant School District, that whites are moving**
12 **out of the district and blacks are moving into the**
13 **district? Or an area. Replace the word district**
14 **with area.**

15 A. That's an accurate description of the
16 process that I describe historically from, you
17 know, roughly the 1940s to the present, whether
18 it's, you know, the 2010 census or the 2011-13 ACS.

19 **Q. And you don't deny that you state in**
20 **that sentence that Doctor Rodden is ignoring the**
21 **trend in Ferguson-Florissant School District**
22 **towards resegregation?**

23 A. He's ignoring the -- I think it's more
24 correct to say he's ignoring the fact of
25 segregation on the ground. So he describes as

1 integration a relative balance, whether it's in the
2 total population or the school population, without
3 describing its actual patterns as you said earlier,
4 a pattern of microgeography.

5 **Q. But you do state that there is a trend**
6 **in Ferguson-Florissant towards resegregation?**

7 A. I think the trend is clear in my report
8 that the African American population in Ferguson-
9 Florissant between 1940 and 2010, particularly
10 after 1970, began to displace the white
11 population. There was a second generation of white
12 flight.

13 **Q. And is it your belief that this trend**
14 **will continue?**

15 A. That does not lie in my area of
16 expertise.

17 **Q. As a historian who studied this area**
18 **extensively, you can't give a prediction based on**
19 **the past what's going to happen in the future?**

20 A. Well, I mean the problem is there's too
21 many moving pieces. So my extensive sort of
22 historical analysis depends only in small part on
23 the point to point trends in census data.

24 Really much more important when you're
25 looking at a small area is the pattern of

1 residential development and other moving pieces
2 like mortgage rates, home finance, and the like.
3 So we know, for example, if we zoom in on a small
4 area like Ferguson-Florissant that the residential
5 stock is not increasing.

6 And so demographic transition, if we
7 were to project for example, you know, some
8 continuation of white flight and black migration
9 well into the future, that would depend not on past
10 census patterns but it would depend on things like
11 the ability of white homeowners to move out if they
12 so choose, which depends on mortgage rates, depends
13 on the availability of houses elsewhere in the
14 district.

15 And that's the basis upon which I
16 describe the trends both demographic and
17 developmental leading up to the current day. But
18 it does not lie in my area of expertise to project
19 those into the future because there's just simply
20 too many moving pieces.

21 **Q. Well, I'm really confused because you're**
22 **criticizing Doctor Rodden for looking at what the**
23 **district looked like as a snapshot in this moment**
24 **in time, looking at it right now. And you're**
25 **criticizing him for not considering this trend**

1 **towards resegregation, meaning that the snapshot**
2 **isn't accurate. The snapshot is inaccurate because**
3 **the district is moving towards resegregation.**

4 **But now you're telling me no, you don't**
5 **really mean that, not really. I'm confused. So**
6 **could you please explain what exactly do you mean**
7 **then?**

8 **If Doctor Rodden is not right for**
9 **looking at what the district looks like right now,**
10 **are you saying -- and then you say it's moving**
11 **towards resegregation. Are you saying it maybe not**
12 **be -- it maybe might be -- it might not be going**
13 **towards resegregation? What are you saying?**

14 A. Well, the more -- I mean the more --

15 MS. EBENSTEIN: It's a compound
16 question. Do you want to ask him one specific
17 question or --

18 **Q. (By Ms. Ormsby) I want you to please**
19 **explain what you're saying now compared to what you**
20 **said in this report.**

21 A. I don't think it's at all inconsistent.
22 What I said in response to Doctor Rodden's report,
23 which draws extensively my own report, was that any
24 temporal snapshot of integration relying upon
25 simply the balance of numbers between black and

1 white, ignores the historical processes and the
2 actual sort of lived experience of segregation and
3 integration on the ground. And that's the
4 substance I think of my objection to Professor
5 Rodden's characterization of a stable integrated
6 neighborhood.

7 Now, the instability need not rest on a
8 further demographic transition from white to
9 black. It could be -- simply rest on a transitory
10 African American population moving through rental
11 housing.

12 My -- so the gist of my objection -- the
13 core of my objection on this measure is that simply
14 taking a measure of segregation -- a single measure
15 of segregation such as the dissimilarity index at a
16 single point in time tells you very little about
17 what's happening on the ground because it ignores
18 the historical processes that brought you to that
19 point and it ignores the actual lived experience of
20 people in that community.

21 **Q. So I'll ask again. Do you think that**
22 **then when you are looking at this situation, you**
23 **need to look historically at what's happened and**
24 **then -- also then look forward based on what has**
25 **happened historically?**

1 A. No. I would agree with the first part
2 of the characterization. Based on my own
3 expertise, I look historically. My research
4 overwhelmingly looks at past trends that bring us
5 to the present day. But my expertise does not lie
6 in projecting those lines into the future.

7 **Q. You stand by the sentence that you wrote**
8 **in this report?**

9 A. The -- which sentence? The second?

10 **Q. Uh-huh.**

11 A. But the trend I'm speaking there is not
12 a trend towards a black population overwhelming the
13 white population. That's not what I mean by
14 resegregation.

15 I'm talking about the pattern -- the
16 demographic patterns that are on the ground. It's
17 much more a reference to the existing and
18 observable patterns of spatial segregation in the
19 district.

20 **Q. So you suggest a pattern of whites keep**
21 **moving further from the city center into the**
22 **suburbs so that today's integrated suburb could be**
23 **tomorrow's all black suburb. That's what's**
24 **happened in the past. Is that what you're saying?**

25 A. Yeah, but I'm saying that what has

1 happened in the past is not in my area of expertise
2 a reliable basis for saying what's going to happen
3 in the future.

4 Patterns of, you know, white flight,
5 black flight, and migration are driven not by, you
6 know, past data points in the census. They're
7 driven by opportunity. They're driven by the
8 ability of people to sell their houses, the ability
9 of people to buy new houses, the value of housing,
10 and the cost of housing and its availability. And
11 those are virtually impossible to project.

12 **Q. So let's go further down in that**
13 **paragraph please.**

14 A. The paragraph that begins, "Second"?

15 **Q. Yes. You state, "The inner suburbs**
16 **either start" -- well, let's start before that.**

17 **"This longer history and pattern of**
18 **neighborhoods are changing" -- I have it wrong**
19 **again.**

20 **"This longer history and pattern of**
21 **transition, in which anything approaching**
22 **integrated, even racial shares, is invariably a**
23 **fleeting moment -- is summarized in Table 3 --**
24 **which traces the racial composition of North County**
25 **municipalities since 1980.**

1 **"The inner suburbs either start with**
2 **this period of -- with an already high African**
3 **American share of the population (Pagedale,**
4 **Wellston) or see dramatic transition as in Country**
5 **Club Hills, Flordell Hills, Jennings, Moline Acres,**
6 **from one kind of segregation, majority white, to**
7 **another, majority black.**

8 **"The middle tier of North County**
9 **suburbs, including Ferguson, are all marked by**
10 **sustained and ongoing transition. The outer North**
11 **County suburbs are for the most part at an earlier**
12 **stage of that transition with increases in the**
13 **African American share from the low single digits**
14 **into the 20-30 percent range."**

15 **Did I read that right?**

16 A. Yes.

17 **Q. So you are -- explain to me what you**
18 **mean by that.**

19 A. I mean all of this is again in service
20 of the sort of larger historical argument that if
21 you took a pencil and circled any of these
22 communities at any of these census years, you could
23 describe a relative balance of the white and black
24 populations.

25 **Q. Okay.**

1 A. But the snapshot is misleading because
2 it's moving in one direction or another. And so
3 the next year it looks quite different. But again,
4 my area of expertise lies in describing the
5 patterns that we see up to our most reliable data
6 point, which is the 2010 census.

7 **Q. And so you stated it's moving in one**
8 **direction or the other. But in reality, it's**
9 **moving in one direction, isn't it?**

10 A. It's through most of North County. Fair
11 enough.

12 **Q. Do you anticipate a reversal of that**
13 **movement?**

14 A. I don't anticipate anything. I'm a
15 historian.

16 **Q. Can you explain why it's important to**
17 **replace at large district election strategy of**
18 **Ferguson-Florissant with single member districts?**

19 A. It's not my area of expertise.

20 MS. ORMSBY: I'm sorry. I don't have
21 someone to take notes for me. So if I don't write
22 it down now, I won't remember later.

23 MS. EBENSTEIN: That's fine.

24 MS. ORMSBY: I'm about to take a break I
25 think. Can we take about ten minutes?

1 MS. EBENSTEIN: Sure.
2 (A break was taken after which the
3 following proceedings were had.)

4 **Q. (By Ms. Ormsby) I just have just a**
5 **couple more questions. And really only one**
6 **depending on your answer maybe. Is that fair?**

7 **I just want to verify that when you say**
8 **trend towards -- that Doctor Rodden didn't consider**
9 **the trend towards resegregation, that you're not**
10 **talking about going forward. You're talking about**
11 **the fact that he didn't consider the trend up until**
12 **2010. That's what you're stating?**

13 A. I think it's important to clarify the
14 terms. When I say segregation or resegregation, it
15 does not imply the balance between the white and
16 the black population, a numerical balance.

17 So you can have a segregated setting in
18 which the black population is a tiny minority. You
19 can have a segregated setting in which the African
20 American population is the majority.

21 So what I'm describing as a trend
22 towards resegregation is as I clarify more
23 substantially in my original report. I think that
24 phrase is in my response to Rodden.

25 **Q. Yes.**

1 A. Is the migration of patterns of
2 segregation established in North St. Louis out into
3 North County. So to say that the district is
4 resegregating, what I really mean is that it's in a
5 sense as I describe in my original report
6 reinventing or replicating patterns of segregation
7 that were previously found more profoundly between
8 North and South St. Louis.

9 And that's becoming a divide as I
10 describe in detail in my report between North and
11 South County.

12 Q. Okay. Thank you. Have you been asked
13 to form any opinions on any subject that's not
14 already included in your two submitted reports?

15 A. No.

16 Q. And have you been asked or do you plan
17 to do any additional work between now and trial as
18 of today?

19 A. No.

20 MS. ORMSBY: I don't have any other
21 questions.

22 MS. EBENSTEIN: If we could just go off
23 the record for one minute.

24 (A discussion was held after which the
25 following proceedings were had.)

1 A. Okay.

2 Q. You were asked a number of questions
3 about one part of a sentence in the second full
4 paragraph. Could you read that entire sentence
5 starting with, "Here segregation was spatial"?

6 MS. ORMSBY: I'm sorry. Where are you?

7 MS. EBENSTEIN: Four lines down in the
8 second full paragraph.

9 MS. ORMSBY: Okay.

10 A. "Here segregation was spatial. African
11 Americans in Ferguson-Florissant have settled
12 overwhelmingly in the apartment complexes Suburban
13 Heights, North Winds, Canfield, along Maline Creek
14 and South Ferguson and Kinloch and in pockets of
15 single-family housing east of West Florissant
16 Avenue and south of I-270."

17 Q. (By Ms. Ebenstein) And do I understand
18 the beginning of the sentence, "Here segregation
19 was spatial," to mean that you are discussing
20 spatial segregation as you say earlier in the
21 paragraph and patterns in the City of St. Louis and
22 the north/south line?

23 A. Yes.

24 Q. You agreed earlier with defense
25 counsel's statement that microgeography matters.

1 CROSS EXAMINATION
2 QUESTIONS BY MS. EBENSTEIN:

3 Q. Doctor Gordon, I just have a few
4 questions to ask you to follow up --

5 A. Okay.

6 Q. -- on what defense counsel asked you.
7 Did any of the questions asked here
8 today lead you to change the conclusions or
9 opinions in your report?

10 A. No.

11 Q. On Page 2 of your rebuttal of Doctor
12 Rodden's report, you calculate the margin -- the
13 paragraph that starts with "Second." You calculate
14 the margin of error with the ACS data, is that
15 correct? I'm sorry. You report the margin of
16 error?

17 A. At the bottom of Page 1?

18 Q. Yes, excuse me. Bottom of Page 1. The
19 sentence leads onto Page 2.

20 A. Yes.

21 Q. And you report the margin of error by
22 race, correct?

23 A. Yes.

24 Q. If you could go to Page 28 of your
25 initial report.

1 That's obviously a very broad statement. And I
2 believe afterward you said microgeography -- define
3 microgeography as information at the local level in
4 general.

5 A. Okay.

6 Q. Can you explain what could be meant by
7 microgeography and -- well, could you explain what
8 you mean by -- or what you may have meant by
9 microgeography?

10 A. I'm not sure I can explain what counsel
11 might have meant. I mean I think -- if I can
12 clarify my response to that earlier question, that
13 it's important in the context of an urban setting
14 like greater St. Louis to understand at on as local
15 and specific a basis as possible what the actual
16 sort of lived integration -- or lived experience of
17 patterns of integration, segregation,
18 discrimination are.

19 And so for this reason as I tried to
20 clarify it at numerous points through the course of
21 the morning, I use the best reliable and most local
22 source of information at each turn.

23 Q. Okay. If you could turn to Page 29 of
24 that same report. Defense counsel had you do a
25 visual inspection of where the population falls as

1 far as white persons and black persons.
 2 I believe there was one area that was
 3 referred to as more integrated. My question is
 4 whether you're saying more integrated in relation
 5 to what you're charting on this map, the
 6 population, or more integrated in the lived
 7 experience definition that you've given throughout
 8 this deposition.

9 A. I believe that conversation with counsel
 10 referred entirely to the spatial impression. That
 11 is just looking at the juxtaposition of dots on the
 12 map. So it does not speak to the lived experience.

13 MS. EBENSTEIN: Okay. Thank you. I
 14 have no additional questions.

15 MS. ORMSBY: I don't have any questions.

16 MS. EBENSTEIN: We'll sign.

17 [Whereupon the signature of the witness
 18 was reserved.]

1 I, COLIN GORDON, PhD, do hereby state
 2 that I have read the foregoing questions and
 3 answers appearing in the transcript of my
 4 deposition, Page 1 through and including Page 77;
 5 that this is a true and accurate (corrected) report
 6 of said answers given in response to the questions
 7 appearing herein.

8 COLIN GORDON, PhD

9 C E R T I F I C A T E

10 Before me personally appeared COLIN
 11 GORDON, PhD, to me known to be the person described
 12 in and who executed the foregoing instrument and
 13 acknowledged to and before me that the said
 14 instrument was executed in the capacity and for the
 15 purpose therein expressed.

16 WITNESS my hand and official seal this
 17 day of , 2015.

18 NOTARY PUBLIC

19 My Commission Expires:

1 NOTARIAL CERTIFICATE

2 I, SANDRA WUNDERLIN WITT, a Certified
 3 Shorthand Reporter and Notary Public in and for the
 4 County of St. Louis, State of Missouri, do certify
 5 that pursuant to the foregoing stipulation, taken
 6 at the offices of Crotzer & Ormsby, 130 South
 7 Bemiston Avenue, County of St. Louis, State of
 8 Missouri,

9 COLIN GORDON, PhD,
 10 came before me, was by me duly sworn to testify the
 11 whole truth of his knowledge of the matters in
 12 controversy aforesaid, was examined and his
 13 examination then written in stenotypy by me, and
 14 afterwards typed and signed, as hereinbefore set
 15 out, on the day in that behalf aforesaid, and said
 16 deposition is herewith returned.

17 I further certify that I am not counsel,
 18 attorney, or relative of either party, or clerk or
 19 stenographer of either party, or of the attorney of
 20 either party, or otherwise interested in the event
 21 of this suit.

22 Given under my hand and notarial seal at
 23 my office in the County of St. Louis, State of
 24 Missouri, on the 23rd day of August, 2015.

25 My Commission Expires: September 7,
 2017.

Sandra Wunderlin Witt, CSR

1 DEPOSITION CORRECTION SHEET 2 COLIN GORDON, PhD

3 In Re: MO State Conference of the NAACP, et al
 4 vs.
 5 Ferguson-Florissant School District, et al
 6 Cause No. 14-2077
 7 Taken on: 8-19-15

8 Upon reading the deposition and before subscribing
 9 thereto, the deponent indicated the following
 10 changes should be made:

11 Page No. Line No. Original changed to
 12 read/reason

- 13 1)
- 14 2)
- 15 3)
- 16 4)
- 17 5)
- 18 6)
- 19 7)
- 20 8)
- 21 9)
- 22 10)

23 COLIN GORDON, PhD
 24 Subscribed and sworn to before me this day of
 25 , 2015.

Notary Public
 County of
 State of
 My Commission Expires:

Page 81

1 McGraw Reporting, LLC
2 2927 Droste Road
3 St. Charles, Missouri 63301
4 314-704-2727
5 August 23, 2015
6
7 ACLU
8 Ms. Julie Ebenstein
9 125 Broad Street-18th Floor
10 New York, New York 10004
11 In re: MO State Conference of the NAACP, et al
12 vs
13 Ferguson-Florissant School District, et al
14 Cause No. 14-2077
15
16 Dear Ms. Ebenstein:
17
18 The original signature page of the testimony of
19 Mr. Gordon, taken in the above-styled cause of
20 action on August 19, 2015, has been mailed directly
21 to you.
22 After Mr. Gordon has read his deposition,
23 please have him sign the signature page, Page 78,
24 and the correction sheet, Page 80. The signature
25 page and the correction sheet should be signed
before a Notary Public.
Please return to Ms. Ormsby, Counsel for the
Defendants, at your earliest convenience the
notarized pages so that the original transcript can
be filed.
Sincerely,
Sandra Wunderlin Witt,
Certified Court Reporter
Enclosures
cc: Ms. Cindy Reeds Ormsby

A	aforesaid 79:8,9	alberta 7:17,21	48:15	assuming 31:20
ability 65:11	african 14:11,15	allow 6:6	applied 52:18	assumption 54:6
69:8,8	15:3,5 16:6,8	aloud 31:7	53:22	assure 55:6
able 46:20	22:3 23:17,19	american 2:14	applying 11:5	attorney 79:11
abovestyled	24:3,13 32:18	11:20 14:8,11	50:10	79:12
81:11	33:13,23 34:6	14:15 15:3,5	approach 48:19	attorneys 4:6
absolutely 23:12	34:19 35:17	16:8 22:4 24:3	approaching	7:10
56:10	36:2,7,9,23	24:13 35:17	69:21	august 1:13 3:19
account 61:4,14	37:3,23 38:5,12	36:24 37:3	appropriate	79:15 81:3,11
accuracy 12:10	42:14 43:5,14	42:14 43:5 44:6	20:21 24:15	authored 11:19
12:14	44:6,10,19,23	44:10,25 51:20	48:1	availability
accurate 46:15	44:25 47:1,16	52:15 54:23	approximately	65:13 69:10
63:15 66:2 78:3	47:17 48:2 50:8	56:24 57:6,10	10:21 39:5	available 32:4
achievement	51:3,9 54:23,25	57:17,17,24	architecture	46:15 63:7
24:3,14	57:10,17,23,24	59:21,22 62:4	30:24	avenue 3:21 4:7
acknowledged	59:21,21 62:4	64:8 67:10 70:3	archival 12:19	19:23 32:23
78:11	64:8 67:10 70:2	70:13 72:20	area 15:6 18:24	75:16 79:4
aclu 4:2,10 9:18	70:13 72:19	americans 16:6	24:23 25:17,19	averaged 53:21
10:15 81:4	75:10	23:18,20 32:18	25:22 29:10	aware 33:15 44:5
acres 70:5	africans 34:9	33:13,23 34:6	30:20 32:6 37:9	44:9,17 46:3
acs 15:22 16:21	afterward 76:2	34:20 36:2,7,9	40:17,20 41:1	47:10,14
29:14 42:18	age 5:2 47:8 51:5	37:23 38:5,13	41:17 43:21	
48:22 49:1 55:9	51:7,12 52:5,6	43:14 44:19,23	48:7 49:13	B
55:16 56:19,24	52:12,14,24	47:1,17,17 48:3	61:22 62:3,16	back 10:9 21:24
57:5 63:18	53:17,18 54:17	50:8 51:3,9	62:20,24 63:9	22:24 36:12
74:14	54:18,18,20,23	54:25 57:23	63:10,13,14	55:16,16 60:5
act 9:2	55:1 59:2,13,23	75:11	64:15,17,25	60:11 63:5
action 3:12 81:11	60:2	analysis 9:8 28:4	65:4,18 69:1	background 7:13
actual 45:25 46:4	agency 26:20	29:1,6,19 32:2	71:4,19 77:2	30:18
58:20,22 64:3	ago 10:5 13:16	64:22	areas 16:25	balance 62:10
67:2,19 76:15	17:20	angela 4:9	18:18 27:11	64:1 66:25
add 54:17 58:2,4	agree 12:25	answer 5:24,25	arent 30:11 34:2	70:23 72:15,16
58:19,24	18:17 19:2 20:7	6:3,17,21 35:2	argument 13:20	based 9:24 11:6
additional 73:17	20:11,14 21:21	46:11,13 72:6	70:20	14:1,2 21:3
77:14	23:17 29:4,8	answers 78:2,3	arranged 40:7	30:6,11 31:21
address 16:19	32:7 36:20	anticipate 71:12	arrest 49:14 50:7	32:11 35:3
27:22	39:17 41:19	71:14	asian 54:2 57:6	46:21,22 48:14
addressing 51:2	47:21 51:13	anyway 21:22	asians 51:20	49:1,10,13,14
adjust 42:18	56:23 68:1	apartment 32:20	52:15 53:18	64:18 67:24
45:15 47:22	agreed 4:19	33:1,14,14,16	aside 8:6	68:2
48:3	75:24	33:18 34:2,7,13	asked 73:12,16	basis 21:19 48:17
adjusted 45:24	agreeing 57:2	34:16,22,24	74:6,7 75:2	57:2 65:15 69:2
46:4	agreement 3:17	35:1,7 36:3,10	asking 34:22,24	76:15
adjusting 48:25	ahead 31:14 40:4	36:17 37:3,18	46:9 59:10,15	becoming 61:8
adjustment 49:3	airport 40:1,8,13	38:7,8 75:12	asks 46:7	73:9
administration	41:12,18,24	apartments	ass 15:1	began 64:10
26:11	al 1:4,8 3:4,8,15	36:25	assertion 60:16	beginning 75:18
admit 34:1 58:23	3:16 80:2,3	appeared 78:9	assisted 10:25	begins 69:14
advancement	81:7,8	appearing 78:2,4	assume 6:17	begun 29:14
24:13	alaskan 57:18	application	assumed 52:14	behalf 1:12 3:24

79:9 belief 64:13 believe 10:2 20:21 25:4 34:14,17 46:18 46:25 47:3,25 53:16,20 61:18 62:16 76:2 77:2 77:9 bemiston 3:21 4:7 79:4 benchmark 24:23 25:18 best 76:21 better 23:18 41:22 beyond 45:1 billed 10:22 bit 7:12 19:14 black 14:16,23 15:2,11,12,15 15:16 16:3,4,12 16:14,19 22:9 24:1 25:1 30:16 35:18,23 39:12 39:16 42:21 51:5 52:10 53:22 54:13 57:10,17 62:11 65:8 66:25 67:9 68:12,23 69:5 70:7,23 72:16 72:18 77:1 blacks 22:15 52:13 53:18 54:18 63:12 blank 26:18 block 14:13,24 14:25 16:15,20 16:21,24 17:3 blocks 14:16 15:12,13,15,16 16:4,7,12,12,25 17:5 29:21 41:21,22 blows 41:15 book 11:6,17,19 12:5,8,15,17 13:1,2,5 17:19 21:10,16,20	27:13 28:25 29:3 bottom 55:18 74:17,18 boulevard 20:8 boundaries 17:5 20:12 33:17 39:8 43:18 45:6 break 6:20,22 60:10 71:24 72:2 breakdown 52:6 52:14,18 breakdowns 52:2 52:4 brief 9:16 briefs 9:15 bring 68:4 british 8:15 broad 4:3,11 21:23 76:1 81:5 brought 67:18 building 37:19 bulk 29:4 bullock 4:9 bunch 55:9 bureau 57:5 buy 69:9 bvap 47:22 <hr/> C <hr/> c 4:1 78:8,8 calculate 58:20 59:11,15 74:12 74:13 calculated 52:11 calculation 15:22 19:1 60:3 calculations 23:10 25:25 calculator 59:6,7 59:9 canfield 32:21 75:13 cant 6:7,8 9:22 58:4 64:18 cap 30:2 31:1 45:9 capacity 8:23 78:11	capital 9:9,11,21 careful 20:25 47:11 case 6:25 7:6 9:5 9:7,10,11,17,19 9:21,24 10:1,7 11:4 22:2 46:7 46:12 48:15 50:10 cases 9:2,15 45:22,23 46:3 categories 52:3 category 52:5,7 52:23,25 53:7 53:22 cause 1:4 3:4 80:4 81:8,11 caveat 58:16,22 cc 81:23 ccr 1:19 4:22 census 14:16,25 15:16 16:7,12 17:4 23:10 29:15,21,21 32:3 41:21,21 41:22 43:21 46:19 47:10,12 47:15 48:18,20 57:5 63:18 64:23 65:10 69:6 70:22 71:6 center 40:19 62:6 68:21 century 21:25 certainly 15:7 certificate 79:1 certified 3:23 79:2 81:21 certify 79:3,11 change 63:3 74:8 changed 12:4 80:7 changes 54:4 80:6 changing 61:16 69:18 characteristic 38:1 characterization 29:9 40:11	62:23 67:5 68:2 characterize 37:19 characterized 40:21 characterizing 37:11,14 charles 1:24 81:2 chart 16:9 56:9 56:17,23 57:4 59:25 charting 77:5 charts 55:9,10 56:19,23 check 12:10 13:2 60:6 choose 65:12 cindy 4:8 81:23 circle 15:8 circled 70:21 cite 11:23 31:24 37:8 43:24 cited 12:19 49:23 cities 20:6 33:8 city 2:14 11:21 13:10,18,21 27:1,3 33:20 49:15 68:21 75:21 civil 3:18 clarify 18:24 30:10 72:13,22 76:12,20 clayton 4:8 clear 16:2 31:15 33:21 48:25 49:22 63:4 64:7 clerk 79:11 club 70:5 colin 1:11 2:14 3:11 5:1,8 78:1 78:6,9 79:6 80:1,19 collapsed 30:25 columbia 8:16 come 60:5,10 comes 43:7 54:16 coming 24:4 commission 78:17 79:16	80:25 communities 44:25 70:22 community 14:8 56:25 61:16 67:20 compared 66:19 compares 16:19 comparing 25:19 complete 22:14 completion 22:16 complexes 32:20 33:2,14,15,16 33:19 34:2,7,13 34:16,23,24 35:1,7 36:3,10 36:17 37:3 38:7 38:8 75:12 composition 69:24 compound 66:15 concentrated 37:16,23 concerns 48:17 conclusion 21:6 32:10 36:1 37:17 47:8 54:15,16,25 conclusionary 31:20 conclusions 21:15,24 35:3 55:8 74:8 conducted 21:8 41:4 conducting 41:2 conference 1:4 3:4,14 80:2 81:7 confidence 49:12 49:19 confused 65:21 66:5 confusingly 40:4 conservative 49:21 50:12 consider 25:6 44:7,11 51:19 72:8,11 considered 27:1
--	--	--	--	--

27:2 considering 65:25 consistently 24:19 29:22 constitute 62:13 constrained 45:10 consumer 30:7 contacted 9:25 contains 18:3,10 18:14,21 51:20 contention 36:8 context 24:18 27:6 44:20 62:1 76:13 continuation 65:8 continue 64:14 controversy 79:8 convenience 81:16 conventional 29:20 conventions 46:13 convergence 22:8 conversation 77:9 cooper 56:7 57:3 coopers 55:4,7 copies 11:14 copy 11:17 core 30:20 67:13 corner 55:19 corporation 26:8 26:10 27:8 correct 11:21 25:2 26:15 27:23 28:14,25 31:20 34:10 36:10 37:13 38:25 41:12 44:2,3,15 47:2 49:2 50:1 51:5 51:10 57:24 59:2 60:19 63:24 74:15,22 corrected 78:3	correction 80:1 81:14,14 correctly 32:24 42:15 cost 69:10 coterminous 17:4 counsel 3:17 4:20 5:14 55:6,12 74:6 76:10,24 77:9 79:11 81:16 counsels 75:25 count 11:25 21:11 48:17,17 48:20 counted 35:10 43:21 46:19 47:1,4,4 counties 29:22 48:14 counting 47:16 47:16 48:2,2,11 48:13 country 70:4 county 2:10 3:21 13:23 20:22 22:4 24:18,21 27:10 32:11,13 49:14,17 50:5 62:7,19 63:6,10 69:24 70:8,11 71:10 73:3,11 79:3,4,14 80:23 couple 5:14 72:5 course 24:24 76:20 court 1:1 3:1,13 3:23 6:6 81:21 courts 25:1 covenants 13:10 13:17,25 create 42:18 created 24:25 creek 32:21 34:8 38:9 75:13 crime 41:7 criticizing 65:22 65:25 cross 2:3 74:1	crotzer 3:20 4:6 79:4 csr 79:19 culmination 57:7 current 65:17 <hr/> D <hr/> d 7:24 8:2,12 13:10 55:15,17 55:17,18 56:8 56:16,18 data 14:6,18 15:4 21:1,3 23:10,15 29:11,16,18 31:24 32:3 37:1 45:3,7,10,25 46:5,14,21 47:21,22 48:1,7 49:10 50:5 63:7 64:23 69:6 71:5 74:14 date 10:22 day 3:19 65:17 68:5 78:13 79:9 79:15 80:20 dear 81:9 decennial 47:12 decline 2:13 11:20 defendant 2:5 defendants 1:9 1:12 3:9,16,25 4:5 5:3 11:12 43:1 81:16 defenders 9:23 defense 9:9,19 74:6 75:24 76:24 define 76:2 defining 14:23 definition 77:7 degree 7:21,22 61:15 delmar 20:8 demographic 33:21 63:2 65:6 65:16 67:8 68:16 denominator 51:23 54:19	densely 40:14 densest 33:23 deny 63:19 department 46:19 47:10 49:15 depend 65:9,10 depending 72:6 depends 64:22 65:12,12 depicting 19:22 depicts 30:1,2 deponent 80:6 depose 5:3 deposition 1:11 2:5 3:11 4:21 5:10,11,17 77:8 78:2 79:10 80:1 80:5 81:13 describe 61:23 62:5 63:16 65:16 70:23 73:5,10 described 32:15 78:10 describes 63:25 describing 37:25 64:3 71:4 72:21 description 2:6 60:20 63:15 desperate 43:25 despite 36:6 detail 62:5 73:10 determine 49:6 determining 45:23 developing 32:14 development 2:9 31:11 35:4 37:12,21 38:1 65:1 developmental 65:17 didnt 11:25 14:18 37:4,10 72:8,11 difference 49:7 different 15:4,9 15:24 20:8 22:20 53:23,25	71:3 difficulty 23:23 digits 70:13 direct 2:2 5:4 direction 61:16 71:2,8,9 directly 29:5 81:11 disappearance 22:15 disbursed 39:16 discovered 47:15 discrimination 11:8 27:9 30:19 30:24 76:18 discuss 19:4 discussed 21:2 41:11 discussing 75:19 discussion 56:14 73:24 disenfranchised 43:8 disenfranchise... 2:16 42:12 43:5 43:25 45:16 46:22 49:4 50:11 disparity 16:11 displace 64:10 disproportionate 50:7 dispute 15:19,25 23:10,14 dissimilarity 67:15 distribution 16:10 22:6 37:15 district 1:1,1,8 2:11 3:1,1,8,13 3:13,16 13:13 14:1,11,19,21 14:22 15:6,8,17 15:18 16:4,7,11 16:13,23 17:1,3 17:4,6,8,10 18:4,7,11,15,19 18:22 19:3,7,18 20:3,24 22:17
---	--	--	---	---

23:19 24:6,9,17 24:20,25 25:19 25:21 26:14,18 26:21 27:1,2,5 27:17,22 28:1,5 28:11,12,16,19 28:21,22,24 29:7,24 30:11 31:25 32:4,10 33:3,9,11,24 34:3,5,14,15,20 35:5,9,13 36:8 36:25 37:7,12 37:17,19 38:2,6 38:17,19,24 39:9,13,15,15 39:23,25 40:17 40:20 43:17 44:22 45:6,14 47:9 48:10 49:25 51:19 52:3,23 56:19 61:3,8,19 62:18 62:21 63:11,12 63:13,13,21 65:14,23 66:3,9 68:19 71:17 73:3 80:3 81:8	doing 17:19,20 doj 49:22 50:4 dont 6:14 13:24 17:25 18:12,16 19:19 24:15 33:4 35:2 37:18 38:21 46:12 47:3 50:22 52:4 52:6 58:8,17 59:6 62:22 63:19 66:4,21 71:14,20,21 73:20 77:15 dot 40:9 dots 40:4,6 77:11 download 14:18 downloaded 56:18,24 dramatic 70:4 draw 15:7 drawn 21:6 draws 66:23 driven 40:25 69:5,7,7 droste 1:24 81:1 duly 79:7	economic 63:3 education 8:1 educational 7:13 effective 62:17 effort 25:1 eight 29:17 eighteen 51:3 52:13,19 53:9 53:13 54:9,10 either 38:13 69:16 70:1 79:11,12,12 election 71:17 employed 8:20 8:23 9:18,21 enclosures 81:22 encompass 25:13 enter 11:9 42:23 entire 24:18 43:10 59:25 75:4 entirely 77:10 entity 45:25 46:5 error 74:14,16 74:21 especially 20:7 47:17 establish 47:6 established 49:24 50:3,8 73:2 establishment 28:10 estimate 43:8 49:21 50:12 53:12 estimates 2:15 49:20 56:25 et 1:4,8 3:4,8,15 3:16 80:2,3 81:7,8 evenly 39:16 event 79:12 evidence 11:10 42:24 exact 35:2 exactly 48:16 66:6 examination 2:2 2:3 5:4 74:1 79:8	examinations 2:1 examined 5:2 79:8 example 24:5 45:8 54:2 65:3 65:7 examples 33:4,18 exclusively 31:25 excuse 74:18 executed 78:10 78:11 exhibit 2:6 22:21 23:3 43:1 55:9 55:11,13,15,17 55:17,18 56:8 exhibits 2:5,24 11:12 23:1 existed 13:25 existing 68:17 expect 24:7 expected 10:10 experience 67:2 67:19 76:16 77:7,12 expert 9:4 11:24 15:19 20:23 25:6 45:21 expertise 11:5 61:22 64:16 65:18 68:3,5 69:1 71:4,19 experts 6:24 7:6 expires 78:17 79:16 80:25 explain 66:6,19 70:17 71:16 76:6,7,10 explained 32:1 expressed 78:12 extended 13:22 extensive 64:21 extensively 64:18 66:23 extent 46:7,11	51:19 53:23 54:4 63:24 72:11 factor 11:7 factors 2:8 23:4 facts 28:13 fair 6:1,18 40:12 71:10 72:6 fall 17:3,5 44:13 falls 76:25 families 30:16,16 family 22:9,10 32:22 far 77:1 fate 2:14 11:20 federal 24:25 26:10,12,19 fellow 4:13 felon 2:15 felons 43:5,8 44:2 45:5,13 46:18 49:6 felony 43:25 44:7 44:10,12 45:16 49:3 50:11 ferguson 3:15 13:25 14:16 17:7,12,15 19:8 19:12,23 20:23 21:17 24:5,16 24:24 26:13 27:11 31:17 32:18,21 33:10 33:20 34:8,9 35:11 37:5,9,24 38:9,13 44:18 44:21 49:16,23 49:24 50:4 62:17 63:10 64:8 70:9 75:14 fergusonfloriss... 1:7 2:10 3:7 13:12 14:21 16:3 18:3,6,11 18:14,19,22 19:7 20:3 22:17 23:19 24:8 25:12,23 27:5 27:25 29:6,16 31:9 32:15 33:3
districts 15:11 19:11 25:10,11 25:15 29:13,15 29:17 59:1 60:17 61:21 63:1 71:18 districtwide 35:6 divide 54:22 58:7 73:9 division 1:2 3:2 3:14 doctor 2:7 7:6 23:3 24:11 48:3 48:23 55:4,7 56:3 60:15 61:3 63:20 65:22 66:8,22 72:8 74:3,11 documentary 17:13,21,22,23 doesnt 16:22 61:3,14,21	E e 2:7 4:1,1 23:3 55:9 78:8,8 earlier 29:9 39:8 45:9 56:3 63:5 64:3 70:11 75:20,24 76:12 earliest 81:16 early 21:24 east 32:23 38:10 38:14,17,20 39:23 40:19 75:15 eastern 1:1,2 3:1 3:2,13,14 ebenstein 2:3 4:4 10:2 18:23 46:6 55:14,20,25 56:2,7,13 66:15 71:23 72:1 73:22 74:2 75:7 75:17 77:13,16 81:5,9	F f 22:21 78:8 faced 50:7 fact 36:6 48:23 49:20 50:9,11		

33:7,16 34:15 34:25 35:8 36:24 38:5 43:17 45:14 48:12 49:25 60:16,23 63:21 64:6 65:4 71:18 75:11 80:3 81:8 ffsc 62:3 ffsd 14:21 ffsdb 14:14 fifth 22:5 26:24 figure 22:19 23:9 29:25 58:22,25 filed 7:6 81:17 filmed 17:13 finance 65:2 finances 30:7 find 44:6 finds 33:19 fine 50:24 71:23 finish 5:23,24 first 2:6 7:19 8:11 12:25 21:14,14,20 31:3,12,13 48:6 51:4 55:22 60:25 68:1 fleeting 69:23 flight 64:12 65:8 69:4,5 floor 4:3,11 81:5 flordell 70:5 florissant 3:16 14:1,17 17:8,14 19:15,22 20:1 20:24 22:10 24:6,17,25 26:14 31:18 32:19,23 33:10 34:10 35:12 37:4,10 38:10 38:14,17,20 39:3 40:20 44:19,22 62:18 63:11 64:9 75:15 florissants 37:2 follow 57:13 74:4 following 17:2	56:15,17 72:3 73:25 80:6 follows 12:17 28:6 followup 47:11 footprint 37:16 foregoing 78:1 78:10 79:3 forget 6:10 forgot 9:15 form 14:6 21:19 30:25 73:13 formally 10:11 format 12:21 former 45:5 forth 10:9 forward 29:2 48:21 67:24 72:10 found 44:10 73:7 four 75:7 fourth 22:5 fragmentation 28:11 full 31:4,5 32:17 48:20 75:3,8 fully 24:7 fund 9:19 further 67:8 68:21 69:12 79:11 fusion 9:16 future 61:19 64:19 65:9,19 68:6 69:3 <hr/> G <hr/> gabel 4:9 16:17 gap 22:15 24:1,2 24:5,12 30:21 general 37:20 76:4 generalization 21:5 generally 24:22 generation 64:11 geographic 18:23 40:7 46:15 geographically 19:5	geographies 29:11 geography 15:1 16:22 21:2,4 24:12 25:7 29:15,21 47:18 gist 67:12 give 23:2 28:8 55:21,25 64:18 given 62:11,12 77:7 78:3 79:14 giving 60:1 glass 32:5 go 5:20 21:24 31:14 40:4 48:6 48:11 54:4 55:23 56:11 57:16 60:5,6,12 69:12 73:22 74:24 goes 44:14 going 6:17 8:5 22:23 23:2,7 27:22 38:4 46:6 50:20 55:4,7,21 59:8 60:6 64:19 66:12 69:2 72:10 good 25:4 51:20 54:6 60:4 gordon 1:11 2:14 3:11 5:1,8,9 56:3 74:3 78:1 78:6,10 79:6 80:1,19 81:11 81:13 governed 63:6 grab 59:8 grad 8:5 graduate 7:18 graduated 7:14 7:15,20 graduating 7:23 7:25 graduation 44:8 44:11,13,19,23 gravity 62:6 greater 2:9 76:14 ground 5:21 6:5 17:14 63:25	67:3,17 68:16 group 14:13 16:15,20,21 53:9 54:7,9 groups 14:24 16:25 17:3 51:9 52:19 53:11 groupss 53:13 guess 53:8 guidelines 12:18 <hr/> H <hr/> half 15:2 21:15 21:16,20 35:16 35:19 hand 6:5 78:13 79:14 happen 50:12 64:19 69:2 happened 67:23 67:25 68:24 69:1 happening 20:17 67:17 hard 19:24 hardest 48:19 havent 19:1 25:24 45:20 head 6:5 17:24 19:9 20:5 33:5 heights 32:20 33:10 75:13 held 56:14 73:24 hereinbefore 79:9 herewith 79:10 hes 56:9,20 63:23 63:24 high 7:14,15,18 19:17,19 22:16 44:7,11,13,22 45:2 49:17 70:2 highlight 29:23 hills 70:5,5 historian 64:17 71:15 historical 21:23 28:13 29:20 61:14 64:22 67:1,18 70:20	historically 63:16 67:23,25 68:3 history 7:21 8:9 8:24 69:17,20 home 35:24 65:2 homeowners 26:7,9 27:8 65:11 homes 36:7 honors 7:21 hope 7:16 hour 5:15 hourly 10:12 hours 5:15 10:21 houses 36:21,25 65:13 69:8,9 housing 13:17 26:11 27:9,12 30:19 32:22 33:25 36:18 37:16 38:10 40:15,19 67:11 69:9,10 75:15 <hr/> I <hr/> i270 32:23 75:16 idea 11:24 38:16 ideas 21:19 ignores 67:1,17 67:19 ignoring 63:20 63:23,24 ill 5:20 42:23 67:21 illuminate 11:7 im 6:17 8:24 10:23 12:12 18:8,12,16 20:16,25 22:20 22:23 23:2,7 28:6 31:19 34:22,24 35:18 36:11 37:11,14 37:25 38:2,4 39:20 40:5 41:14 43:10 44:16 46:1,6,9 50:2,20,22 51:16,17,17
---	--	---	--	---

55:4,6,8,12,21 57:3 59:8 60:2 60:6,9,24 65:21 66:5 68:11,15 68:25 71:14,20 71:24 72:21 74:15 75:6 76:10 impact 43:25 implies 61:17 imply 72:15 important 23:21 32:8 61:18,20 62:24 64:24 71:16 72:13 76:13 impossible 69:11 impression 77:10 imputing 38:2 inaccurate 24:10 66:2 include 16:25 29:13,14 51:22 included 13:14 28:24 55:8 73:14 includes 18:18 21:7 41:24 43:14 including 5:12 13:15 30:14,15 37:9 70:9 78:2 income 22:6,9,10 incomes 24:5 inconsistent 66:21 incorrect 15:24 16:1 increases 70:12 increasing 65:5 index 2:1,5 67:15 indian 57:17 indians 51:20 52:15 57:6 indicated 39:4 80:6 indicator 23:22 individuals 45:4 infer 27:21 52:24 inferences 30:8	inferring 33:12 information 20:22 31:25 32:12 34:12 76:3,22 initial 12:2 36:14 74:25 initially 9:25 inner 69:15 70:1 insert 41:14 inside 17:3 inspection 39:20 76:25 instability 67:7 instrument 78:10 78:11 insurance 26:12 integrate 25:1 integrated 15:6 15:13 25:11,23 40:24 41:8 60:18 67:5 68:22 69:22 77:3,4,6 integration 25:14 60:21 61:11,12 61:15 62:13 64:1 66:24 67:3 76:16,17 interest 4:13 interested 79:12 interpret 46:7 interviews 41:4 invariably 69:22 invoices 10:14,16 10:19 involved 9:1 iowa 8:19,21 isnt 43:20 66:2 71:9 issue 48:11,13 60:15,20 ive 8:19 9:14 15:14 17:12,14 40:25 46:16	job 8:11 41:22 jobs 8:7,8 jonathon 2:12 julia 10:2 julie 4:4 81:5 justice 49:15 juxtaposition 77:11	larger 13:20 29:24 33:20 37:15 41:25 54:11 62:9,16 63:2 70:20 law 4:6 46:8,12 lawful 5:2 lawsuit 21:9 lead 51:16 74:8 leading 65:17 leads 74:19 leap 48:6,11 leaving 16:17 left 31:6,9,17 legal 9:19 30:24 level 16:15,19,20 16:20,21,22 24:21 49:5,8,11 76:3 levels 16:15 41:8 lie 61:21 64:15 65:18 68:5 lies 71:4 lightly 39:23,24 41:21 limitations 21:3 limited 29:18 limits 45:10 lin 4:12 line 57:18 75:22 80:7 lines 57:6,16 68:6 75:7 link 62:8 listed 14:12 57:22 little 5:20,21 7:12 19:14 34:1 54:4 67:16 live 15:15 16:7 30:25 40:1 lived 67:2,19 76:16,16 77:6 77:12 lives 14:16 15:6 15:11,12 16:4 18:6 19:11 living 41:4 44:2 45:5,13 llc 1:23 81:1	loan 26:7,9 27:8 local 30:9 48:7,8 49:20 76:3,14 76:21 locally 20:18 locate 13:12 37:18 located 19:18 37:3 38:17,20 43:17,22 location 62:12 locations 13:17 19:19 logic 13:20 32:1 62:9 logical 62:8 longer 51:25 52:1 69:17,20 look 10:4 12:22 13:4 22:19 24:16 28:15,17 31:19 35:20 37:4,10 39:11 44:18 51:9,14 55:7,10 56:22 57:4 61:12 62:24 67:23,24 68:3 looked 16:24 37:5 65:23 looking 41:14 43:13 50:17 55:8,12 56:9 60:24 62:16,17 63:5 64:25 65:22,24 66:9 67:22 77:11 looks 66:9 68:4 71:3 looting 19:22 20:1 lot 40:1 loud 6:4,12 louis 2:10,10,13 3:21 9:9,24 11:5,20 13:10 13:18,22 18:2,9 18:17 20:7 23:20 25:7,16 27:7 30:20 45:1
--	---	---	--	---

49:14,17 50:5 62:6,19 73:2,8 75:21 76:14 79:3,4,14 low 27:12 44:23 70:13 lower 44:1,7,10	matters 20:15 75:25 79:7 mcgraw 1:23 81:1 mean 8:6 15:7,21 15:22 18:5,23 20:16,17 21:8 21:11,23 22:25 26:17 38:6 44:12 45:15 46:11 47:3 48:5 58:6,7,19 61:7 61:9,24 62:2,23 64:20 66:5,6,14 68:13 70:18,19 73:4 75:19 76:8 76:11 meaning 51:11 66:1 meant 16:9,11 76:6,8,11 measure 14:13 15:14 23:25 49:4 61:13 67:13,14,14 measures 23:24 measuring 15:24 media 22:1 median 22:9,9 27:12 member 71:18 mention 50:9 mentioned 34:3 merely 37:25 50:9 met 5:14 metrics 14:13 28:20 metro 16:13 18:5 24:21 25:19,22 62:3 63:6 metropolitan 18:2,9,18 24:23 25:17 62:20,24 63:10 microgeography 20:14,17 32:8 64:4 75:25 76:2 76:3,7,9 midcentury	31:11 middle 32:17 70:8 migration 65:8 69:5 73:1 minority 72:18 minute 56:11 73:23 minutes 71:25 misleading 34:2 51:18 61:13 71:1 missouri 1:1,4,24 3:1,4,13,14,22 3:24 4:8 22:5 25:9,10,14 42:12 50:13 54:3 79:3,5,15 81:2 mitigation 9:9 mixed 40:18 mo 80:2 81:7 moline 70:5 moment 23:11 28:8 55:25 65:23 69:23 month 5:16 morning 76:21 mortgage 26:12 65:2,12 motives 38:2 move 28:21 38:22 48:21 60:9 65:11 moved 8:18 27:9 movement 71:13 moving 63:11,12 64:21 65:1,20 66:3,10 67:10 68:21 71:2,7,9 multifamily 40:15 multiple 53:19 municipal 32:14 39:8 municipalities 29:22 62:25 69:25 municipality 50:6	N n 2:12 4:1,18 11:12 naacp 1:4 3:4,15 9:19 80:2 81:7 name 5:6 9:22 17:22,25 25:10 25:21 33:4 38:8 named 33:2,14 narrower 24:6 24:12 national 30:3,6 32:11,13 48:1,7 48:11,13 54:2,3 nationally 30:15 47:19,20 native 57:18 nature 49:10 60:20 necessarily 24:13 62:12 need 6:20,21 51:22 67:7,23 needs 24:17 neighborhood 9:8 39:12,14 67:6 neighborhoods 40:22,24 41:1,5 41:8 69:18 neither 52:10 net 31:4,6,9,17 31:19 never 27:2 56:3 new 4:4,4,12,12 5:15 21:7,18 29:3 69:9 81:6 81:6 nod 6:4,8 north 9:8 13:22 20:22 22:4 24:18,21 27:10 32:11,13,20 37:15,20 39:14 62:6,7,19 63:10 69:24 70:8,10 71:10 73:2,3,8 73:10 75:13,22 northern 26:14 39:10	northwestern 40:22 notarial 79:1,14 notarized 81:17 notary 3:23 78:15 79:2 80:22 81:15 notes 10:4 71:21 notion 62:10 number 1:19 2:6 15:23 39:19 44:1 45:4,12,13 48:18 51:4,21 53:2,24 54:4,24 75:2 numbers 15:9 42:18,19 43:24 45:18,24 46:4 48:3,19,23 49:1 49:1 52:7 55:18 58:7,20,25 59:24 61:12 66:25 numerical 72:16 numerous 17:9 24:11 76:20
M m 2:9 11:11,12 madison 7:25 magnifying 32:5 mailed 81:11 main 54:15,16 maintained 26:7 26:9 majority 14:16 14:23 15:2,15 15:16 16:2,8,12 22:3 41:11 51:10,11,12,25 52:1 54:14 70:6 70:7 72:20 making 17:23 54:1 maline 32:21 34:7 38:8 75:13 manner 11:1 map 13:4,7,9,13 13:14,15 14:1,2 17:2 20:4 26:5 26:6,6,15 27:8 27:16,18 28:16 38:24 39:2,4,6 39:8,11 40:6 41:12 77:5,12 mapping 2:13 11:19 maps 28:18,24 40:16 margin 74:12,14 74:15,21 marked 11:13 23:3 43:1 70:9 masters 7:22 math 58:18 60:6 mathematician 51:17 matter 20:12 63:9	O o 2:13 4:18 11:12 object 46:6 objection 56:6 67:4,12,13 observable 68:18 observed 46:22 obviously 76:1 occasions 24:11 occurs 29:2 office 9:23 79:14 offices 3:20 79:4 official 78:13 offset 45:12 oh 5:14 12:24 18:20 22:20 31:5,13 42:5 okay 5:22 6:9,12 6:23 8:17 9:25 10:6 14:5 18:1 23:8,13 27:14 27:20 35:22 38:23 40:10			

42:1,3,8 43:12 50:14,19 51:2 54:15 55:3 56:2 56:21 57:3,15 57:21 58:1,2,9 58:10,14,21 59:3,4 63:8 70:25 73:12 74:5 75:1,9 76:5,23 77:13 old 21:21 39:2 once 42:24 53:11 ones 33:4 ongoing 11:6 70:10 ontario 7:16 opinions 73:13 74:9 opportunity 69:7 order 7:10 20:22 32:5 50:10 organic 62:25 original 2:24 72:23 73:5 80:7 81:10,17 originated 13:21 ormsby 2:2,25 3:20 4:6,8 5:5 11:14 16:18 18:25 19:2 43:3 46:9,17 55:15 55:21 56:1,6,10 56:18,22 66:18 71:20,24 72:4 73:20 75:6,9 77:15 79:4 81:16,23 outer 70:10 outlets 22:2 outline 39:1 outside 17:1,5 18:18 overall 35:5 52:3 53:7,12 54:7,12 overeighten 46:25 overlaid 26:13 27:12,16 39:11 overlaps 40:8 overlay 28:23	32:4 38:24 overwhelming 16:4 22:3 36:9 68:12 overwhelmingly 15:11 32:19 33:13 34:7 36:3 36:12,17 38:7 38:12 68:4 75:12 ownership 35:24 <hr/> P <hr/> p 2:15 4:1,1,18 42:24 43:1 page 2:1,6 12:22 13:4 14:3 17:2 22:19 23:7 26:1 26:3,4 27:13,19 27:21 28:12 29:2,25 31:2 32:11,16 35:20 36:13,14 37:9 38:22 42:4,6,25 43:7,9,13 50:14 50:16,17 55:15 55:17 56:5 60:12,15 74:11 74:17,18,19,24 76:23 78:2,2 80:7 81:10,13 81:13,14,14 pagedale 70:3 pages 31:23 81:17 paid 10:19 paragraph 28:16 31:4,5,17 32:17 36:1 60:24 61:9 69:13,14 74:13 75:4,8,21 paragraphs 13:1 parolees 45:4 49:5 part 5:3 13:19 21:24 26:10,14 27:1,3,23 28:6 37:17 59:21 64:22 68:1 70:11 75:3	particular 32:6 32:15 44:17 47:23 particularly 27:10 29:12 49:13 64:9 parties 4:20 parts 17:5,10,12 party 79:11,12 79:12 pattern 33:21,21 37:11,20,25 50:2,3 61:15 64:4,25 68:15 68:20 69:17,20 patterns 11:8 27:7,9 28:20 30:19,23 32:14 35:4 63:2 64:3 65:10 68:16,18 69:4 71:5 73:1 73:6 75:21 76:17 peer 12:18 pencil 70:21 pending 3:12 people 24:8 39:19 40:1 41:4 51:21,22 52:15 52:22,25 53:6 53:19 67:20 69:8,9 percent 15:10 18:2,5,10,13,21 19:6,11 21:7 34:21 35:15,24 36:7 42:13,14 42:18 50:1 51:12 55:1 57:14,20 59:4 59:12,16,17,24 70:14 percentage 14:15 15:12 19:3 21:13 34:14,25 35:11 53:6 57:14 58:20,23 58:25 59:20 percentages 58:2 58:4	period 70:2 person 78:10 personally 78:9 persons 77:1,1 ph 7:24 8:2,12 phd 1:11 3:11 5:1 78:1,6,10 79:6 80:1,19 philadelphia 9:23,24 phrase 72:24 pieces 64:21 65:1 65:20 place 20:2 29:23 62:25 plaintiffs 1:5 3:5 3:15 4:2 plan 73:16 please 5:6 6:15 23:1 50:21 61:23 66:6,18 69:13 81:13,16 plus 58:3,11 pocket 40:18 pockets 32:22 36:18 38:9 75:14 point 10:17 11:9 28:3 30:14,17 30:18,18,22 60:4 61:11 62:11 64:23,23 67:16,19 71:6 points 47:6 69:6 76:20 policy 8:25 25:4 political 20:11 45:25 46:5 poor 37:2,23 poorer 40:17 popular 22:1 populated 39:23 39:24 40:12,14 41:21 population 14:11 14:15 15:3,5,11 16:3,10 18:6 19:7,11 30:12 33:23 34:15 35:1,12,16,17	40:9 41:23 42:13,14 43:11 45:19,24 46:4 46:25 47:8 51:5 51:8,13,15 52:4 52:12 53:7,10 53:12,14 54:7,8 54:9,10,12,23 55:1 57:9,11 59:2,13,24,25 60:1,2,17 62:4 64:2,2,8,11 67:10 68:12,13 70:3 72:16,18 72:20 76:25 77:6 populations 44:4 54:14,20 62:11 70:24 populationwise 19:5 port 7:15 portion 15:8 39:22 40:13,13 41:13 49:24 portray 24:11 position 31:10,18 possible 76:15 postgraduate 4:13 poverty 16:14,19 16:20 28:20 predatory 49:16 prediction 64:18 predominantly 39:12,13 40:21 prepare 5:10,11 5:13 7:10 present 4:10 63:17 68:5 presented 23:24 pretty 39:16 previous 30:23 previously 23:3 62:15 73:7 prior 9:2,19 31:21 42:11 43:7,9 prison 43:14,22 prisoners 43:20
--	--	---	--	--

prisons 43:16 44:2	Q	reached 21:16	relate 29:5	52:9,9,16 53:19
probably 10:9 19:13	quadrant 39:10	read 7:5 23:5 31:3,7,14 32:24	relation 77:4	55:5 56:3 60:13
probation 45:4 49:6	quantitative 12:19 32:2	36:2 38:4 42:15	relative 23:23,25 44:24 46:8	61:10 62:5,9
problem 41:20 47:15 51:2	quarter 26:23	56:4 70:15 75:4	53:11,13 64:1	64:7 66:20,22
56:10 64:20	question 5:23,25 6:15,17,18,21	78:1 80:8 81:13	70:23 79:11	66:23 68:8
procedure 3:19	12:12 18:13	readdress 60:7	relatively 44:22 60:18	72:23 73:5,10
proceeding 31:23	23:13 35:3 36:5	reading 80:5	released 17:25	74:9,12,15,21
proceedings 56:15 72:3	45:25 46:2,5,12	reality 71:8	relevant 21:1 24:22 27:4	74:25 76:24
73:25	47:23 53:16	realize 43:13	46:25 49:4 60:3	78:3
process 63:16	66:16,17 76:12	really 51:18 62:2 64:24 65:21	reliable 69:2 71:5 76:21	reported 21:4 29:11 37:1 45:7
processes 67:1 67:18	77:3	66:5,5 72:5	reliably 29:11	49:11
produced 5:2	questions 5:5 6:4 50:23 72:5	73:4	relies 31:25	reporter 3:23 6:6 79:2 81:21
profession 8:9	73:21 74:2,4,7	reason 13:15 23:9 49:18	rely 29:20	reporting 1:23 57:23 81:1
professional 8:11	75:2 77:14,15	53:20 76:19	relying 66:24	reports 7:2,5 11:10,15 19:21
professor 8:24 33:22 47:7	78:1,3	80:8	remember 9:22 10:3 71:22	45:21 73:14
62:14 67:4	quintiles 22:5	reasonable 53:8	remind 6:11	represent 23:25 24:1 30:3 58:5
profoundly 73:7	quite 62:22 71:3	reasons 23:14	rental 33:25 34:19 35:6	representation 41:19
project 61:19 65:7,18 69:11	quote 12:1	rebuttal 2:7 23:4 35:21 42:2,6	37:16 67:10	representing 41:23
projecting 68:6	quotes 12:4	47:11	renters 35:12 36:20,24	represents 21:18
properties 26:12	R	recall 59:1	renting 36:21,25	reread 7:2
protesting 20:1	r 4:1 78:8	recenters 21:17	repeat 36:5	rereading 36:11
provide 20:23	race 13:9 25:7 51:22 52:9,10	record 5:7 31:14 50:9 56:11	rephrase 6:16 46:1	research 11:7 17:13,19 21:8,8
provided 9:4 45:21	52:16 74:22	73:23	replace 63:13 71:17	21:17 41:2 68:3
provides 57:6	races 53:19 57:7 57:10,11,23,24	red 38:25 39:1 41:11,13	replicating 73:6	resegregated 61:8
provisions 3:18	racial 30:2,5,21 30:25 40:18	reeds 4:8 81:23	report 2:8,12 5:12,12 11:24	resegregating 73:4
public 3:23 4:13 8:24 78:15 79:2	45:9 69:22,24	reestablishment 28:12	12:2,6,15,22,23	resegregation 60:23 61:4,24
80:22 81:15	racially 25:11,22 60:18	refer 18:9 23:7 36:12 39:7	13:5,16 14:4	61:25 63:8,22
published 21:9	randomly 40:7	62:18	16:18,22 18:1,8	64:6 66:1,3,11
puncture 62:10	range 70:14	reference 68:17	19:4 21:1,7,12	66:13 68:14
punishment 49:17	rate 10:12 34:19 42:12 44:7,8,10	referred 2:6 77:3 77:10	21:13,15 22:20	72:9,14,22
purpose 41:3 78:12	44:12,13,19,23	referring 34:4	22:21 23:4	reserved 77:18
purposes 43:21 45:22 46:24	46:22 49:16	refers 18:1 33:11 56:8	24:20 25:13,18	residential 26:6 26:8,11 31:11
pursuant 3:17 79:3	50:11	regarding 10:1 15:5 43:4 47:8	26:2,4 27:19,22	35:4 37:20 38:1
put 40:9	rated 26:11,19 26:21	49:5	29:5 31:3 32:2	60:17 65:1,4
puts 55:16	rates 24:4 25:13 35:6 44:11 49:7	region 18:2,3,10 18:10,13,18,21	33:22,22 35:21	residents 22:4
	49:7,14 50:7	19:4 24:7	35:23 36:9,15	resides 19:8 34:16 35:1
	53:23 54:2,3	reinventing 73:6	41:3 42:2,6	respect 22:16
	65:2,12		46:23 48:4,24	
	ratings 26:7,9		49:15,23 50:4	
			50:15 51:21	

27:10 47:5 response 2:12 22:22 66:22 72:24 76:12 78:3 rest 23:20,20 39:15 67:7,9 restricted 13:10 restrictive 13:17 13:25 rests 21:5 result 31:4,6,9,17 31:19 47:2 results 30:20 retained 2:24 6:25 10:6 return 81:16 returned 79:10 reversal 71:12 review 23:11 reviewed 12:18 rich 24:8 right 7:10,11 12:3,7 26:16 32:16 35:24 36:4 40:3 41:16 42:19 43:4,9 50:22,25 51:25 52:5,20,25 53:5 57:14 59:14,18 60:5,18,24 61:5 62:21,23 65:24 66:8,9 70:15 righthand 53:3 55:19 rights 9:2,16 road 1:24 81:1 rodden 2:12 7:7 24:11 48:23 61:3 62:14 63:20 65:22 66:8 72:8,24 roddens 2:7 23:4 33:22 47:7 48:4 60:16 66:22 67:5 74:12 role 11:3 room 60:7 rough 62:10 roughly 21:14,16	52:14 63:17 round 58:9 rounding 58:6,17 rule 3:18 rules 3:18 5:21 6:5 49:5,9 run 32:2 rural 48:14 <hr/> S <hr/> s 2:16 4:1,18 safe 58:13 saith 5:3 sample 30:8 sandra 1:18 3:22 4:21 79:2,19 81:20 saw 20:4 saying 6:7 37:22 38:12 46:17 51:8,18 53:5 61:2 63:9 66:10 66:11,13,19 68:24,25 69:2 77:4 says 14:14 15:20 15:22 16:5,6 32:18 34:23 57:1 scale 45:2 48:13 scholarly 12:18 12:21 46:13 school 1:7 2:10 3:7,16 7:14,15 7:19 8:5,7 13:13 14:1,19 14:20,21 15:17 15:18 17:1,6,8 18:3,6,11,14,19 18:22 19:7,18 20:3,24 22:16 22:17 23:19 24:6,9,17,20,25 25:9,10,14,19 25:21 26:14 27:5,16,25 28:19,23 29:7 29:13,15,17,23 33:3,8 34:3,5 34:14,15,20	35:8 36:8,24 37:12 38:17,19 39:9,25 43:17 44:7,11,13,22 45:6,14 47:9 48:10 49:25 56:19 60:17 61:21 62:18 63:1,11,21 64:2 80:3 81:8 schools 19:17,20 25:2 scope 13:9 28:15 29:23 seal 78:13 79:14 second 21:16 31:4,5 32:17 64:11 68:9 69:14 74:13 75:3,8 secondary 12:20 section 19:25 28:3 40:15 45:22 security 26:7,9 see 22:25 39:12 40:16 42:19 55:20,22 57:5,9 57:11,18 70:4 71:5 seen 56:3 segment 51:14 segregated 72:17 72:19 segregation 2:9 13:21 25:14 27:7 30:23 63:25 67:2,14 67:15 68:18 70:6 72:14 73:2 73:6 75:5,10,18 75:20 76:17 sell 69:8 senate 2:8 11:7 23:4 sense 32:5 62:5 62:13 63:2 73:5 sentence 28:4 31:3,12,13,20 31:21 32:18	34:4 36:19 38:4 60:25 62:1 63:20 68:7,9 74:19 75:3,4,18 september 79:16 series 28:17 40:16 served 13:11 26:8 45:21 service 13:19 70:19 set 79:9 setting 49:20 50:13 72:17,19 76:13 settle 38:3 settled 32:19 33:13 34:6,10 34:24 36:3,9 38:6,13 75:11 shake 6:5,8 shape 28:21 share 14:11 45:15 52:12,19 54:7,8,11,11 60:2 70:3,13 shares 69:22 sheet 80:1 81:14 81:14 shifting 62:6 shorthand 4:21 79:2 shortly 10:8 show 13:16 16:9 16:11 27:8 28:19 30:15,18 30:22 31:24 39:2 55:4 showing 27:6 shows 13:21 17:2 33:23 39:8 sic 15:1 34:9 62:3 side 20:8 39:13 39:14,22,23,25 53:3 sign 77:16 81:13 signatory 9:14 signature 77:17 81:10,13,14 signed 79:9	81:14 significant 47:15 58:5 similar 52:15 53:18,21 54:8 simple 15:21 simply 6:6 23:25 28:13,23 47:5 61:12 62:9 65:19 66:25 67:9,13 sincerely 81:18 single 12:5 32:22 67:14,16 70:13 71:18 singlefamily 36:18 38:10 75:15 singlerace 51:3,7 52:13 53:17 54:17,18,22,25 situation 67:22 six 29:17 size 30:9 53:9,11 53:13 skews 41:18 sls 4:13 small 19:3 48:12 52:7 64:22,25 65:3 smaller 21:4 24:12 48:22 smallest 14:25 52:8 snapshot 61:2,11 65:23 66:1,2,24 71:1 social 23:21 63:3 soft 47:7 somebody 15:22 son 51:17 sophia 4:12 sorry 12:23 13:5 18:12,16 22:20 25:3 28:6 31:6 31:16 35:18 36:5 38:18 40:5 46:1 59:10 71:20 74:15 75:6
---	--	--	---	--

sort 9:5 10:10 12:20 13:20 21:5,16 40:12 40:14,19,19 49:16 64:21 67:2 70:20 76:16 sounds 12:3,7 source 76:22 sources 12:19,20 12:20 south 3:20 4:7 32:21,23 34:8 37:15,17,20 38:9,11,14 39:22 48:14 73:8,11 75:14 75:16,22 79:4 southeast 40:13 southern 33:19 33:24 35:4 39:13 southwest 40:13 sparsely 40:12 spatial 68:18 75:5,10,19,20 77:10 spatially 28:18 39:18 speak 77:12 speaking 68:11 specific 14:19,20 28:4 45:3 46:5 46:15 56:19 66:16 76:15 specifically 27:23 29:6 37:8 62:20 spent 40:23 spoke 7:9 spoken 6:24 st 1:24 2:9,10,13 3:21 9:9,24 11:5,20 13:10 13:18,22 18:1,9 18:17 20:7 23:20 25:7,16 27:7 30:20 45:1 49:14,17 50:5 62:6,19 73:2,8 75:21 76:14	79:3,4,14 81:2 stability 61:17 stable 67:5 stage 70:12 stand 68:7 standard 12:17 12:20 stark 30:19 start 7:13 69:16 69:16 70:1 started 10:11 starting 75:5 starts 74:13 state 1:4 3:4,14 3:21,24 5:6 23:21 36:6 42:11 48:9 49:5 49:7,8,11,19 51:4 60:22 63:19 64:5 69:15 78:1 79:3 79:4,14 80:2,24 81:7 stated 29:9 32:7 71:7 statelevel 2:15 statement 34:23 75:25 76:1 statements 12:11 12:14 states 1:1 3:1,12 statewide 46:21 47:22 49:1,3,19 50:5,10 stating 33:12 72:12 statistics 24:16 30:4,5,11 31:24 stayed 8:7 stenographer 79:12 stenotypy 79:8 step 63:5 stipulated 4:19 stipulation 79:3 stock 65:5 story 29:24 strategy 71:17 street 4:3,11 street18th 81:5	structure 53:17 53:18 studied 64:17 studies 24:22 44:6,9,17 study 20:6,6 47:15 studying 29:10 subject 73:13 submit 10:14 submitted 10:16 73:14 subscribed 80:20 subscribing 80:5 subsidiary 30:17 substance 67:4 substantially 23:18 72:23 suburb 68:22,23 suburban 32:20 75:12 suburbs 68:22 69:15 70:1,9,11 sufficient 30:9 suggest 68:20 suit 79:13 suite 4:7 summarized 69:23 summer 8:6,8 sure 6:2,13,19 10:23 12:12 19:5 20:16 28:9 32:25 36:22 39:21 51:14 56:13 58:12 60:2 72:1 76:10 surprise 19:10 44:16 surrounding 28:16 survey 14:9 30:6 30:7 47:11 48:22 56:25 surveys 45:11 55:16 sustained 70:10 sworn 5:2 79:7 80:20 synopsis 21:15	T t 4:18,18 78:8,8 table 6:22 14:3,7 14:10,12 26:25 27:4 30:15 35:20,23 42:2,7 42:11,19 43:4,9 50:17 53:3 54:1 60:4 69:23 take 6:22 22:23 23:11 28:21 42:23 48:19 60:10,15,20 61:3,10,14 71:21,24,25 taken 1:12 3:11 3:19,24 4:21 5:17 13:1 24:18 72:2 79:3 80:4 81:11 takes 41:18 talk 7:12 28:10 talking 17:24 18:8 33:6,7,8 39:18,20 48:9 50:2 63:9 68:15 72:10,10 taught 8:15,19 television 19:21 tell 19:17 20:4 30:1 37:2 39:5 50:20,21 59:8 61:23 telling 66:4 tells 67:16 temporal 66:24 ten 71:25 term 20:16 terms 21:11,12 39:19 46:13 72:14 testified 62:15 testify 79:7 testimony 9:5 20:23 81:10 text 56:8 thank 23:1 73:12 77:13 thats 6:22 7:11 9:14 14:14,18	15:1 16:5 20:2 21:2,3,6 22:20 25:4 26:16 30:17 31:20 34:1 37:9,17 39:24 41:24 43:23 44:3 49:24 50:24 51:18 52:10 53:2,21 54:14 57:1,1,20 58:15 61:17 62:18,22 63:15 65:15 67:3 68:13,23 71:23 72:12 73:9,13 76:1 theory 55:4 theres 28:17 32:17 57:10 60:22 64:20 65:19 thereto 80:6 theyre 13:3 21:23 34:3 47:4 49:11 69:6,7 thing 10:10 things 65:10 think 11:10 13:3 24:10,15 29:17 43:23 49:12 50:21 62:1,22 62:23 63:23 64:7 66:21 67:4 67:21 71:25 72:13,23 76:11 thinking 19:13 third 19:14 22:5 31:5 47:5 60:24 thirds 15:15 16:6 thirty 25:12 thought 31:16 three 10:9 33:14 34:13 38:8 47:6 54:20 56:25 throw 32:5 tier 33:19,24 35:5 70:8 time 6:8 13:22 16:17 17:16 26:20,25 29:12
---	---	---	--	---

40:23 48:21 61:11 62:12 65:24 67:16 times 11:23 12:2 17:9 tiny 72:18 today 5:13 7:3 73:18 74:8 todays 68:22 tomorrows 68:23 top 19:9 20:5 33:5 53:3 toronto 7:23 total 37:7 39:19 52:12 54:21 57:14,20 58:6 59:25 60:1 64:2 town 39:3 traces 69:24 tract 41:24 tracts 29:21 41:22,22 transcribed 4:22 transcript 78:2 81:17 transition 65:6 67:8 69:21 70:4 70:10,12 transitory 67:9 trend 60:22 61:4 62:2,3 63:21 64:5,7,13 65:25 68:11,12 72:8,9 72:11,21 trends 64:23 65:16 68:4 trial 73:17 tried 63:4 76:19 true 43:20,23 63:4 78:3 trusting 57:3 truth 79:7 try 5:24 24:19 47:6 50:20 55:3 60:11 trying 51:16 turn 14:3 26:1 27:19 29:25 31:2,23 32:16 41:10 42:1,2,25	50:14 76:22,23 two 10:9 11:10 12:25 15:15 16:6 51:9 52:8 57:9,11,22,23 73:14 tworace 59:21 type 6:7,8 typed 79:9 typewriting 4:23 <hr/> U u 2:16 4:18 uhhuh 9:12 13:8 20:19 22:12 25:3 28:2,7 31:8 34:18 35:14,25 36:14 52:17 56:1 60:14 68:10 undergrad 8:5 undergraduate 7:16 underlie 45:11 underscore 47:7 understand 6:15 11:3 12:12 18:12,16 61:20 75:17 76:14 understanding 46:24 understood 6:18 unemployment 28:20 uneven 2:9 unfortunately 29:12 uniform 41:23 unit 9:23 14:25 29:15 46:15 48:12 62:25 63:6 united 1:1 3:1,12 units 29:20 32:3 40:7 41:23 52:8 university 7:17 7:20,22,23,24 8:15,18,21 unusually 31:10 urban 24:22	29:10 40:8 49:13,17,20 50:13 76:13 use 20:21 21:1 28:19 29:10 42:17,22 46:14 46:14 48:1,22 55:3 58:21 76:21 useful 15:1 uses 27:7 48:23 62:14 usually 31:18 <hr/> V value 27:12 69:9 various 57:7 vast 41:11 54:14 verbally 6:4 verbatim 13:1 verify 27:15 43:12 48:8 72:7 versus 16:14 36:25 view 61:11,11 violence 19:22 virtually 69:11 visited 17:11 visual 39:20,21 41:18 76:25 visually 26:23 vote 46:20 voting 9:2,16 47:8 49:8 51:5 51:7,12 52:24 54:17,18,18,20 54:23 55:1 59:1 59:13,23 60:2 vra 45:22 vs 1:6 3:6 80:3 81:7 vulnerable 31:10 31:18 <hr/> W want 27:15 31:6 50:14 55:3,6,10 56:11,22 58:13 66:16,18 72:7 wanted 31:16	43:12 55:22 wasnt 17:23 watched 19:21 way 28:19 37:1 45:8,12 ways 15:24 48:18 53:25 wealth 30:2,6,21 31:1 45:9 wealthier 30:16 weeks 10:9 wellston 70:4 went 10:9 42:17 west 19:22 20:1 32:23 38:10,14 38:17,20 75:15 western 39:22,25 41:13 weve 41:10 49:23 whats 10:12 17:22 20:17 23:2 31:21 64:19 67:17,23 68:23 69:2 white 16:14,20 22:9 24:1,4 25:1 30:15 35:16 39:14,16 40:21 42:21 45:13,15 51:7 52:10 53:21 57:10 62:11 64:10,11 65:8 65:11 67:1,8 68:13 69:4 70:6 70:23 72:15 77:1 whites 22:15 47:16 48:2 51:12 52:13 53:17 54:13,17 63:11 68:20 winds 32:20 75:13 wisconsin 7:24 witness 45:21 56:16,21 77:17 78:13 witt 1:18 3:22 4:22 79:2,19	81:20 wont 71:22 word 12:5 21:11 62:13 63:13 work 7:16 8:4,4 10:7,11 17:20 21:18 73:17 wouldnt 29:8 44:16 write 9:16 71:21 writing 22:1,2 written 22:3,8,11 22:14 79:8 wrong 69:18 wrote 11:15 12:8 68:7 wunderlin 1:18 3:22 4:22 79:2 79:19 81:20 <hr/> X <hr/> Y yeah 10:2 13:3 17:20 21:23 27:18 28:15 32:13 41:20 43:10 50:24 51:1 54:20 68:25 year 10:5 17:20 56:25 71:3 years 13:16 21:20 25:12 29:18 70:22 yep 42:10 yesterday 5:15 york 4:4,4,12,12 5:15 7:22,23 81:6,6 youd 58:6 young 47:17 50:8 youre 33:6,12,12 33:15 34:4 38:12 40:3 46:17 48:8 51:2 51:8,18 59:15 60:1 61:2 63:9 64:24 65:21,24 66:4,19 68:24
---	--	---	--	---

72:9,10,12 77:4 77:5 youve 10:22 19:15 26:13 27:16 43:3 50:21 62:15 77:7	<hr/> 2 <hr/> 2 13:4 27:23 42:4 42:6,13,20,22 43:7 45:22 50:14,18 52:8 52:22,24 53:3 54:5,5,5 55:15 55:17 58:2,11 58:13,15,21 59:4,12,16,17 59:23,24 60:4 74:11,19 80:10 20 29:25 35:15 2006 17:18 2007 17:18 2008 11:6 12:9 21:21 2010 2:16 47:14 48:18 63:18 64:9 71:6 72:12 201113 56:24 57:5 63:18 2014 17:19 2015 1:13 3:19 78:13 79:15 80:20 81:3,11 2017 79:16 2030 70:14 206 59:8 20th 21:25 210 54:5 212 54:5 213 52:24 215 54:5 22 28:12 229 1:19 23 2:7 51:8 54:12 81:3 23rd 79:15 24 31:2 32:11 51:5,6,24 54:13 54:23 26 3:18 266 54:19,24 59:2,5,12,13 27 19:11 50:1 270 38:11,15 28 32:16 36:14 37:9 54:13 74:24	29 38:22 76:23 2927 1:24 81:1 <hr/> 3 <hr/> 3 14:3 22:19 23:9 42:2,7,11,19 58:13 60:12,15 69:23 80:11 31 41:10 313 51:5,6,24 54:23 3147042727 1:25 81:2 32 42:13,20,22 43:7 33page 12:2 34 54:13 35 61:12 38 12:1 <hr/> 4 <hr/> 4 35:20,20 55:1 58:11,15,21 59:4,12,16,17 59:24 80:12 43 2:15 48 55:1 <hr/> 5 <hr/> 5 2:2 11:7 80:13 50 34:20 35:24 36:7 51:11 54:19,24 59:2,5 59:12,13,23 61:13,13 <hr/> 6 <hr/> 6 30:8 42:14,17 42:21,23 43:3 43:13 57:20 58:3,11 80:14 60 10:23 602 4:7 63105 4:8 63301 1:24 81:2 65 61:13 686 52:9 <hr/> 7 <hr/> 7 12:22 28:16 35:24 36:7	79:16 80:15 70 10:24 13:16 700 54:12 74 2:3 740 51:8 77 78:2 78 81:13 <hr/> 8 <hr/> 8 13:5 40:15 42:21 57:14 58:3,11 80:16 80 81:14 81 7:20 58:8 81915 80:4 85 7:21 88 42:14,17,23 43:3,13 882 52:22 89 58:7 <hr/> 9 <hr/> 9 80:17 95 27:13,18
---	---	--	---